

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1285 of 2021**

1. Moharsay S/o Shri Faguram, Aged About 44 Years
 2. Deepak Ghritlahare S/o Shri Faguram, Aged About 24 Years
 3. Satish @ Raja S/o Shri Bachchu Lal, Aged About 21 Years
 4. Vikas @ Bablu Ghritlahare S/o Shri Moharsay, Aged About 20 Years
- All are R/o Village Limtara, P.S.-Masturi, District Bilaspur Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Masturi, District Bilaspur Chhattisgarh

---- Respondent

For Applicants	: Shri Sunil Sahu and Shri Sumit Shrivastava, Advocates
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.12.2021**

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.453 of 2021 registered at Police Station Masturi, District-Bilaspur, Chhattisgarh for commission of offense punishable under Sections 147, 149 294, 452, and 506 of the IPC.

2. Case of the prosecution, in brief, is that, one Gayatri Kashyap lodged written report to concerned Police Station on 02.09.2021 at about 1.05 hours stating therein that on 01.09.2021 at about 19 hours (7 pm), applicants came to her house and knocked the door. When she did not open the door, applicants came from backside through *badi* (kitchen garden) and entered into the house, abused her in filthy language, upon which she raised alarm. Hearing alarm of complainant, her neighbours Sonu, Pinku and others came there, upon which applicants ran away. Based on written report by complainant, aforementioned crime was registered against applicants.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Sumit Shrivastava, learned counsel for the applicant would submit that there was dispute between two groups in the village. Group members of complainant also abused and assaulted applicant-1 on 30.08.2021 upon which he lodged report on the same day before concerned Police Station, based upon which Crime No.442 was registered for offences defined under Sections 294, 506 and 34 of IPC. Even on 01.09.2021, as many as 13 members of complainant group came to the house of applicant-1, abused in filthy language, and damaged JCB machine, HYVA, Tractor and also threatened them. Incident was reported by applicant-1 on the next day. Present complaint was lodged against applicants immediately after commission of crime, to save themselves, levelling false allegations. He also pointed out that contents of Annexure A2 FIR registered against applicants would show that they entered into house, abused the complainant, but they have not assaulted any of persons present there or damaged any article in the house. Applicants are also residents of same village that of complainant and due to political rivalry, there was group war. Applicants have not committed any offence, hence they may be enlarged on anticipatory bail.

5. On the other hand, Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicants, submits that as per allegations levelled against applicants, they entered into the house of complainant (lady) forcibly and also abused her. Hence, they are not entitled for benefit of anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations levelled in FIR, further considering counter FIR lodged by applicants, as also FIR lodged by applicant-1 on 30.08.2021 against some other villagers, all are residents of same village, further considering that there is no allegation of assault or damaging of any property, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) That the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer;
- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE