

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1315 of 2021

1. Neera Bai D/o Jharu Singh Patel Aged About 60 Years R/o Village Kandai, Police Station Bemetara, District Bemetara Chhattisgarh.
2. Utra Patel D/o Jharu Singh Aged About 55 Years Sarpanch, Gram Panchayat, Kandai, Block Saja, District Bemetara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Saja, District Bemetara Chhattisgarh.

---- Respondent

For Applicants	: Shri KPS Gandhi, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

21.12.2021

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. 423 of 2021 registered at Police Station- Saja, District- Bemetara, Chhattisgarh for commission of offense punishable under Sections 186, 353, and 34 of the IPC.

2. Case of the prosecution, in brief, is that, on 24.09.2021 applicants went to attend revenue proceedings pending before Sub-Divisional Officer (SDO), Revenue District Bemetara. When they approach Reader of SDO, some exchange of words took place between them. Thereafter, applicants took records of their case, came out from the Court room and left the premises in their Bolero vehicle. Incident was reported to concerned Police Station on the same day by one Anil Kashyap/Clerk to the SDO, making allegations that applicants took the file from possession of complainant and thereafter, left the premises of Office of SDO along with file. Based upon report, aforementioned offence is registered against applicants.

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

4. Shri KPS Gandhi, learned counsel for the applicants would submit that allegations levelled against applicants are absolutely false and baseless. He submits that as on the date of hearing of case ie on 24.09.2021, counsel engaged by the applicants was not present. Hence, they themselves went to the complainant and asked him about the proceedings of their case, upon which he did not give proper reply and applicants found him making some manipulation in the file, for which dispute took place and applicants warned that they will lodge report against him. It is thereafter complainant lodged report to save his skin. Applicants have not committed any offence. Learned counsel further pointed out that allegation of taking away the file is absolutely false and baseless, because, certified copy is obtained in the month of October 2021 of order passed in revenue proceedings dated 24.09.2021, of the case stated to have been taken by applicants, which is placed on record along with covering memo, in which there is no mention that applicants have taken record from possession of complainant. Hence, applicants may be granted benefit of anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned State counsel opposing the submissions of learned counsel for the applicants, submits that immediately after the incident, complainant, who is Clerk/Assistant Gr-III in the Office of SDO lodged report making allegations that applicants snatched file records of the case and took along with them. However, upon asking as to case number of file, or details mentioned in complaint, he submits that in written complaint, FIR or in the statement of complainant, there is no mention of any case number.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations and submission of learned counsel for the parties; applicants also lodged report on the same day ie on 24.09.2021 making allegations against complainant stating that they found person manipulating the records, and applicants are ladies, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the 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