

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1786 of 2020**

1. Mahadev S/o Bhalu, aged about 38 years.
2. Bhasu S/o Bhalu, aged about 40 years.
3. Ramesh S/o Bhalu, aged about 35 years.
4. Tulsi S/o Sannu, aged about 38 years.
5. Baidar S/o Laikhan, aged about 45 years.

All R/o village Belar Godampara, Ward No.18, Thana Badanji,
District Bastar (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Police Station Badanji,
District Bastar (C.G.)

---- Respondent

For Applicants	:	Mr. Vikash Shrivastava, Advocate.
For Respondent.	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.42/2020 registered at Police Station - Badanji, District Bastar (C.G.) for commission of the offence punishable under Section 395 of Indian Penal Code.
2. The prosecution story, in brief, is that on 03.11.2020, complainants lodged a written report at police station Badanji, alleging therein that on 31.10.2020, present applicants along with 50 persons came to their field and cut

their ripen paddies. It has been further alleged that on being objected, the applicants tried to assault the complainants by sharp edged weapon like axe and battle-axe. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that this is a clear case of civil dispute in which the applicants have been falsely roped in. Applicants and complainants are relative and due to dispute on land measuring .80 decimil of Kh. No.954, false report has been lodged by the complainants. He also submits that according to the Patwari report (Form B-1), the property in question belong to the applicants and the complainants have deliberately sowed paddy on their land, report of which have been made to the concerned authority. Therefore, the applicants may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the fact that the property in question belongs to the applicants, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- -

25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-

(Rajani Dubey)
Judge