

Shivam Singh vs State Of Chhattisgarh on 22 November, 2021

1

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1241 of 2021

1.

Shivam Singh S/o. Santosh Singh, Aged About 22 Years

2. Santosh Singh S/o Ramanuj Singh Aged About 45 Years

3. Arjun @ Guddu S/o Shivkumar Aged About 23 Years

4. Shubham Singh S/o Santosh Singh Aged About 19 Years

5. Dharmendra Singh S/o Ravindra Singh Aged About 42 Years

6. Anshu Singh S/o Jogendra Singh Aged About 24 Years

7. Vishal Singh S/o Late Vishnu Singh Aged About 36 Years R- 1 to 7 R/o Gram Pipersot, P.S Balrampur, District Balrampur Ramanujganj (C.G.)

8. Anup Singh S/o Late Ramesh Singh Aged About 65 Years

9. Omprakash Singh S/o Late Ramesh Singh Aged About 51 Years

10. Anchit Singh S/o Om Prakash Singh Aged About 25 Years R- 8 to 10 R/o Gram Chandrapur. P.S. Balrampur, District Balrampur Ramanujganj (C.G.)

---- Applicants Versus State Of Chhattisgarh Through Police Station, Balrampur, District Balrampur, Ramanujganj (C.G.),

---- Non-Applicant For Applicants : Shri Surendra Singh, Sr. Counsel with Shri Maneesh Sharma, Adv.

For State/Non-Applicant : Shri Alok Nigam, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi Order On Board 22-11-2021

1. The applicants have preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 86/2020 registered at Police Station Balrampur (CG) for the offence punishable under Sections 294, 323, 341, 506-B, 147, 148, 149, 395, 34 of the Indian Penal Code.

2. Brief facts of the case are that in the month of February, 2020 complainant Laddu Singh and Maneesh Kumar Singh had gone to the house of their relative Chhotan Singh and since then residing there. On 2-5-2020 at about 8.00 pm, the accused persons holding lathi, danda, and other deadly weapon, with common intention, stopped them, threatened to kill complainant and Maneesh Kumar Singh, looted their mobile phone, golden chain of Manish Kumar Singh, also committed marpeet with them. Based on report lodged by complainant Laddu Singh, present crime has been registered against the applicants under aforesaid sections.

3. Learned Sr. Counsel appearing for the applicants submitted that true facts are not as narrated by the complainant. In fact, on the date and at the time of incident, applicant No. 3 Arjun @ Guddu and other applicants were threshing wheat in their field, thresh of wheat was flying, the complainant with other persons came there in intoxicated condition, started abusing applicant No. 3 and other applicants naming their caste, assaulted upon them with rod and club. In that incident, applicants and his party got severely injured. On the report lodged by applicant No. 3 Arjun alias Guddu, crime No. 18/2020 was registered against complainant Laddu Singh, Manish Kumar Singh, Chhotan Singh under Section 294, 323, 325, 34 of the IPC and Section 3-1(R-S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned Sr. Counsel also argued that to make defence in that case, complainant Laddu Singh has lodged present FIR against the applicants falsely mentioning that robbery of golden chain has been made. Copy of FIR lodged by Laddu Singh, filed as Annexure A-3, itself shows that on inquiry, concerned inquiry officer of police found that fact of robbery of mobile and golden chain was false. Hence crime for bailable offences was registered against the applicants. Therefore, bail was granted by the police to the applicants No. 1 to 4 because only against them, Crime No. 86/2020 was registered, but later on, due to some undue pressure, built by the complainant party, offence under Section 147, 148, 149 and 395 of the IPC has been added by police and names of other applicants have also been added, which is totally false and baseless. He next argued that in the Crime No. 18/2020, complainant and other two accused persons have been granted anticipatory bail by the coordinate bench vide order 8-4-2021 passed in CRA No. 753/2020, therefore, the applicants may also be enlarged on anticipatory bail.

4. On the contrary, learned State counsel duly assisted by the counsel for objector opposed the application for grant of anticipatory bail and submitted that it is not only a case of abusing in filthy language and committing marpeet, but it is a case of robbery also, hence this application for grant of anticipatory bail is liable to be rejected.

5. Heard learned counsel for the parties and perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of the offence, particularly taking into consideration that earlier crime under Section 395 of the IPC was not registered against the applicants and it is mentioned in the FIR that report relating to robbery of mobile phone and golden chain is found to be false and before adding offence under Section 395 of the IPC, applicants were granted bail by the police, and as per FIR mobile phone was found at the place of occurrence itself, I find that it is a fit case for grant of anticipatory bail to the applicants.

7. Consequently, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting them or the concerned investigating officer. The applicants shall also abide by the following conditions:-

(i) that they shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that they 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 him/her from disclosing such facts to the Court or any police officer.

(iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that they 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/-

(N.K. Chandravanshi) JUDGE Pathak