HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 22 of 2023

1. Pitamber Verma S/o Madanlal Aged About 31 Years R/o Koreda Chowki Lawan, P. S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

2. Domarin Bai W/o Madanlal Aged About 54 Years R/o Koreda Chowki Lawan, P. S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

3. Lalita Verma W/o Pitamber Verma Aged About 27 Years R/o Koreda Chowki Lawan, P.S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

4. Kasturi Verma W/o Chetan Verma Aged About 44 Years R/o Koreda Chowki Lawan, P.S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

5. Rajeshwari Verma W/o Shital @ Surya Aged About 25 Years R/o Koreda Chowki Lawan, P.S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

6. Madanlal Verma S/o Late Sarju Aged About 62 Years R/o Koreda Chowki Lawan, P.S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer P. S. Kasdol, District Balodabazar-Bhatapara Chhattisgarh.

---- Non-applicant

For Applicants	:	Ms. Shivali Dubey, Advocate.
For State/ non-applicant :		Mr. Shakti Singh, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

28.02.2023

1. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 951 of 2022, registered at Police Station – Kasdol, District – Balodabazar - Bhatapara, Chhattisgarh for the offences punishable under Sections 147, 149, 294 & 506 of the Indian Penal Code and Section 4 of the Tonhi Pratadna Act, 2005.

2. As per case of the prosecution, Esbin Bai lodged a written complaint making allegation that on 26.10.2022, the present applicants, who are related to her, entered into her house, abused her and made allegations of witchcraft. The FIR was registered on 6.11.2022 for the offences as mentioned above.

3. Learned counsel for the applicants would submit that the present applicants and the complainant are family members and on account of some misunderstanding, a report has been lodged. Prior to registration of FIR, brother of applicant No.1 had died and therefore, the mental condition of applicant No.1 was not stable. She would pray for grant of anticipatory bail to the applicants.

4. On the other hand, learned counsel for the State would oppose the application for anticipatory bail.

5. I have heard learned counsel for the parties and perused the case-diary.

6. Only Section 4 of the Tonhi Pratadna Act is non-bailable, rest of the sections are bailable. The applicants and the complainant are the members of the same family. It appears that on account of some family dispute, FIR has been lodged.

7. Considering the above aspect, I am inclined to allow this application.

8. Accordingly, the application is allowed. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/- with one surety on each of them to the satisfaction of the concerned Trial Court, they shall be released on bail, on following conditions :-

(i) that the applicants shall make themselves available for interrogation 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 or the case as to dissuade them 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.

The observations made in the course of this order are only for considering the case of the applicant on the application for grant of anticipatory bail. The concerned trial Court shall not be influenced or bound by the observations made in the course of this order.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi