

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.621 of 2015**

1. Md. Shabbir S/o Abdul Rashid Aged About 55 Years
2. Smt. Hushna Aara W/o Shri Md. Shabbir Aged About 50 Years
3. Ku. Jinat D/o Shri Md. Shabbir Aged About 25 Years
4. Ku. Jeba D/o Shri Md. Shabbir Aged About 23 Years

All R/o Near Pratiksha Bus Stand, Atal Aawas Ambikapur, Police Station
Ambikapur, Tah.- Ambikapur, Distt. Surguja Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through : District Magistrate Ambikapur Distt. Surguja Chhattisgarh
2. Smt. Kanti Singh W/o Shri Pradip Singh Aged About 33 Years R/o Near New Bus Stand Atal Aawas Ambikapur, Police Station Ambikapur, Distt. - Surguja Chhattisgarh.

---- Respondent

For Petitioners	:	Ms. Sonia Kuldeep, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board**05/10/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Complaint Case No.1130/2014, registered by the Judicial Magistrate First Class, Ambikapur, District Surguja for alleged commission of offence under Sections 294, 506, 323/34 of IPC and Section 3(1)(X) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and also under Section 4 & 5 of Tonhi Pratadna Act.

2. Case of the complainant is that the applicants knowing fully well that the complainant belongs to Tribe, abused her and made allegations of witchcraft and assaulted also.

3. Learned counsel for the applicants submits that the allegation of the complainant of witchcraft is false and afterthought. It submits that there might be trivial incident between the neighbour but the allegations of Tonhi are only afterthought. The present is a case involving dispute between the family members of two houses in the neighbourhood.

4. After going through the contents of complaint and preliminary statements recorded, I am inclined to grant bail to the applicants No.2 to 4.

5. As far as applicant No.1 is concerned, his application is rejected.

6. It is directed that in the event of arrest of the applicants No.2 to 4 in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer, *and*
- (iii) they shall cooperate with the investigation as and when they are called.

Records of the Court below be remitted forthwith for further proceedings in the criminal complaint case.

Sd/-
Manindra Mohan Shrivastava
Judge