

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1106 of 2015

1. Gouri Shanker Ratre, aged about 45 years, son of Dhaniram, by Caste Satnami, by Occupation Teacher, R/o Village Bundeli Thana and Tahsil Malkharoda, Distt. Janjgir Champa
2. Chandra Kumar Yadav, aged about 46 years, s/o Hosram, By caste Yadav, By occupation Teacher, R/o Charoudi, Thana and Tahsil Malkharoda, Distt. Janjgir Champa --- **Applicants**

Versus

State of Chhattisgarh through the District Magistrate, Distt. Janjgir
Champa --- **Respondent**

For the applicants	:	Mr. Parag Kotecha, Advocate.
For the Respondent	:	Mr. Omprakash Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.12.2015

1. Apprehending arrest in connection with Crime No. 241/2015 registered at Police Station Malkharoda, Distt. Janjgir Champa (C.G) for the offences punishable under Sections 451, 354-A, 354-B, 506, 427, 506 & 34 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix that the applicants tried to outrage the complainant and abused her and further threat was also extended, on which, the matter is being investigated.
3. Learned counsel for the applicants submits that that the applicants have been wrongly implicated because earlier to this incident, the daughters of the applicant were assaulted for which a report was made by the wife of applicant, therefore, as a counter blast to it, a false report has been made. He further submits that considering the case diary facts, the applicants have been falsely inculpated in this case. He, therefore, prays that the applicants may be enlarged on

anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail. Earlier it was directed to enquire and submit as to whether any report was made by the wife of applicant against the complainant. In reply, learned State Counsel submits that an application was given to the police and on investigation, it was found that it was fictitious and nothing has happened.
5. I have gone through the statements of the case diary and other documents.
6. Taking into fact that positive allegations are attributed to these applicants and further considering the statement of victim u/s 164 Cr.P.C., it is not a case where the benefit of Section 438 Cr.P.C., may be granted to the applicants. Accordingly, the application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE