

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3234 of 2016

1. Pradeep Patel, S/o. Shri Harishankar Patel, aged about 42 years,
2. Ishwar Patel, S/o. Shri Harishankar Patel, aged about 39 years,
3. Net Ram Patel @ Munchu Patel, S/o. Shri Hriday Ram Patel, aged about 32 years

All R/o. Village – Arjuni, Tahsil and Police Station – Pithora, District – Mahasamund (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Special Police Station – A.J.K., Mahasamund, District- Mahasamund (C.G.)

---- Respondent

For Applicants	: Mr. D.K. Gwalre, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate
For Objector	: Mr. Gaurishankar Patel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.227/2015, registered at Police Station – Special Police Station – A.J.K. Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 294, 323, 506/34, 452 & 354 of Indian Penal Code together with Section 3 (1) (x), 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that on 26.09.2015 at village – Arjuni, the victim was caught hold of by the present applicants and she was dragged to the street of the village on allegation that she has relation with one Pankaj Thakur. Subsequently she was made to parade in the street of the village and the garments of the lady was also taken out and she was abused and assaulted. The incident happened from 11.00 am till 6.00 pm approximately.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as the victim/lady herself was in relation with one Pankaj Thakur and she was caught red handed with Pankaj Thakur in compromising position, therefore, in order to cover up her own scene, complainant has made this report. It is further submitted that initially the incident is stated to be happened on 26.09.2015 and the report was made on 26.10.2015, thereafter, an enquiry was conducted by the SDOP and it was found on 07.11.2015 that no offence has been committed. Learned counsel for the applicants further submits that during the investigation, the statement of Maheshuram Dhruw and Mannu Singh Thakur were recorded. Maheshuram Dhruw is father-in-law of the complainant and Mannu Singh Thakur is brother of Pankaj with whom allegation of illicit relation has been clamped. He went through the statement and would submit that according to the statement, the complainant/victim i.e. daughter-in-law was caught red handed with one Pankaj by present applicants for which meeting was held in the village and such fact was admitted by the victim that she was caught red handed with Pankaj Thakur, which is also corroborated

by the brother of Pankaj namely Mannu, which also supports the same. It is further submitted that an affidavit of husband of the complainant was executed, which is filed as Annexure A/2, which would show that the false report has been made against this applicants. It is further contended that statement was recorded in an application filed by the husband of the complainant under Section 97 of the Cr.P.C., wherein the statement was recorded, which would show that complainant/wife was living along with one Pankaj Thakur, which is followed by a petition under Section 497, 363, 366 against Pankaj by husband of the complainant, wherein it is prayed that Pankaj be punished appropriately for living in adultery. It is further submitted that taking into totality of the case, it would show that the applicants have been falsely implicated in this case, therefore, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State as well as counsel for the Objector vehemently opposes the bail application. It is submitted that initially the report could not be made as the complainant/victim was kept in captivity and she was made to parade naked in the village and was assaulted until she was made to sign certain agreements. Subsequently with the assurance of other person, the report was made. It is further submitted that eye-witnesses were also present, who have stated the happening of the incident, therefore, it would go to show that witnesses were also threatened. Therefore, the applicants may not be released on bail.
5. I have heard learned counsel appearing for the parties.

6. Perused the documents and the statement of the husband Baldev Dhruw, which is filed along with objection projects that certain things happened but not to the extent which is alleged by the prosecution. The report of the complainant would reveal that complainant was subjected to parade in the village naked and she was subjected to assault. The statement of the complainant also perused along with the statement of Daleshwar Patel, wherein it is stated that complainant was made to parade in the entire village and the cloths were also taken out. During such process, she was assaulted and was in captivity for considerable period of time. It is also stated by the witnesses that the entire incident was recorded by him in CD, which was seized by the prosecution. Considering the way the incident happened, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge