

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 944 of 2016

1. Pannalal Yadav S/O Ramratan Yadav Aged About 45 Years Caste- Ahir, Working In S.E.C.L At Katkona Colliery, R/O Village- Katkona, Police Station Patna, Tahsil- Baikuntpur, District- Korea (Chhattisgarh)
2. Raj Kumar S/O Ramnath Aged About 36 Years Caste- Jajwar, Working In S.E.C.L At Katkona Colliery, R/O Village- Katkona, Police Station Patna, Tahsil- Baikuntpur, District- Korea (Chhattisgarh)
3. Vishvanath S/O Dev Narayan Aged About 35 Years Caste- Rajwar, Working In S.E.C.L At Katkona Colliery, R/O Village- Katkona, Police Station Patna, Tahsil- Baikuntpur, District- Korea (Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Patna, District Korea (Chhattisgarh)

---- Respondent

For Applicants : Mr. R.S. Marhas, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-10-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 45 of 2016 registered at Police Station Patna, District Koriya (CG) for offence punishable under Sections 294, 506, 456, 354, 34 of IPC.
2. As per case of the prosecution, on 2-3-2016 a report was made by the complainant that on 30-12-2015 the applicants entered into her and thereafter torned her clothes and tried to outrage her modesty and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicants would submit that false allegations have been attributed to the present applicants as brother of the complainant Aditya Roi while driving the vehicle broke the slab of the house of the applicants which resulted into altercation for which wife of applicant No.1 lodged a report against the brother of the complainant as per Annexure A/6 against which a counter report has been made by the complainant. In the year 2006 a report was made by the family members of the applicants against the family members of the complainant that they were witch-crafting (Tonhi) for which a criminal case was registered under Crime No. 197 of 2006 against them as per documents filed. It is further submitted that it is a case of counter blast to the complaint made by the wife of the applicant No.1, therefore, false allegations have been made against the applicants. Referring the document he would submit that the applicants on various occasions reported to Superintendent of Police, District Korla that there are chances of false accusation and accordingly the applicants have been inculpated in this case, therefore, therefore, they may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which shows that the report was made by the victim on 2-3-2016 for alleged incident of 30-12-2015. The documents further show that initially the report was made by the applicants against the Aditya Roi, brother of the complainant for which offence under Sections 107 and 116 (3) of the Cr.P.C., were

registered against him. Thus, it appears that it is a case of counter-blast to the complaint made by the wife of the applicant No.1.

6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants, considering the fact that there was delay in filing the report and further considering the background of the case, I am inclined to extend benefit of anticipatory bail to the applicants.
7. Accordingly, 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 the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:
 - (i) that the applicants shall make themselves available for interrogation before the 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 of the case so as to dissuade him/her 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju