

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 50 of 2017**

1. Bholanath S/o Shri Ramashankar Aged About 37 Years By Caste Teli, R/o Village Aanjokhurd, Thana Patna, Civil & Revenue District Korea, Chhattisgarh.
2. Brijlal S/o Shri Motilal Sahu, Aged About 36 Years By Caste Teli, R/o Village Aanjokhurd, Thana Patna, Civil & Revenue District Korea, Chhattisgarh.
3. Ramashankar S/o Shri Sudama Aged About 57 Years By Caste Teli, R/o Village Aanjokhurd, Thana Patna, Civil & Revenue District Korea, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Patna, District Korea, Chhattisgarh.

---- Non-applicant

For Applicants:	Mr. Sunil Sahu, Advocate
For State	Mr. Ashish Surana, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****04.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicants apprehending their arrest in connection with Crime No. 147/2016 registered at Police Station Patna, District - Korea whereby they have been charged for the offence punishable under Sections 294, 506(B), 452, 342, 323/34 of the Indian Penal Code and Section 3(1)(X) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities Act), 1989.

2. Learned Counsel for the Applicants submits that the complainant Ramlal Gond lodged a complainant on 20.06.2016 in respect of the incident that took place on 18.06.2016. The Police Authorities after conducting the investigation found no such offence was made out and submitted the Istagasha on 22.06.2016. Subsequently, at the instance of the complainant – Ramlal Gond an application under Section 156(3) of the Cr.P.C. was moved before the Special Judge, SCST, Baikunthpur. The Court vide its order dated 11.07.2016 ordered for registration of an F.I.R. against the present Applicants which has been lodged by the Police Authorities giving rise to the moving of the present Application by the Applicants.
3. Learned Counsel for the Applicants submits that in fact the incident took place on 18.06.2016. On the same day the present Applicants lodged F.I.R. before the Police Station Patna which was registered as Istagasa No. 83/2016 and offence against the complainant – Ramlal Gond under Sections 151/107 and 116(3) of the Indian Penal Code was registered. Learned Counsel for the Applicants further submits that in order to counter the said complaint by the Applicants the Complainant herein concocted a story and lodged a complaint at belated stage on 20.06.2016. The fact that the Complainant – Ramlal Gond did not take steps for lodging the complaint against the present Applicants between 18.06.2016 to 20.06.2016, by itself, gives sufficient suspicion on the complaint being false and fictitious.
4. Learned State Counsel however opposing the bail application submits that since the Magistrate has ordered for registration of an FIR, the prosecution has done so in compliance of the order passed

by the Court.

5. Having considered the total facts and circumstances of the case particularly taking note of the fact that inspite of the incident being taken place on 18.06.2016, a complaint having been lodged by the Applicants against the complainant – Ramlal Gond, there has been no complaint made by the Complainant- Ramlal Gond between 18.06.2016 to 20.06.2016 a strong inference can be drawn against the Complainant. Further, taking note of the closure report submitted by the Police authorities on the complaint lodged by the Complainant that no offence is made out, this Court is of the opinion that a strong case for grant of anticipatory bail has been made out in favour of the Applicants.
6. Accordingly, the present MCRCA is allowed.
7. It is directed that in the event of arrest, the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000 each with two sureties for the like sum to the satisfaction of the Officer arresting them and they shall abide by all the following terms and conditions:-
 - (i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that the accused/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/them from disclosing such facts to the Court or to any police officer;
 - (iii) that the accused/applicants shall not act, in anymanner,

which will be prejudicial to fair and expeditious trial; and

(iv) that the accused/applicants shall appear before the trial court on each and every date given to them by the said court till disposal of the trial.

Sd/-

(P. Sam Koshy)
JUDGE