

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 113 of 2017**

1. Tikamchand Rathi S/o Late Amritlal Rathi, Aged About 51 Years R/o Abhanpur District Raipur, Chhattisgarh.
2. Nandu Nimawat, S/o, Sham Das Aged About 36 Years R/o Abhanpur, District- Raipur, Chhattisgarh.
3. Vijay Tiwari, S/o Sukhdev Tiwari, Aged About 36 Years R/o Main Raod- Abhanpur, District- Raipur, Chhattisgarh.
4. Devaram Satnami, S/o Dajirai Satnami, Aged About 50 Years R/o Bade Urla-Abhanpur, District- Raipur, Chhattisgarh.

-----Applicants**Versus**

State of Chhattisgarh Through : Police Station Rajim, District Gariyabandh, Chhattisgarh.

---- Respondent

For Applicants	:	Shri ML Saket and Shri Raza Ali, Advocates.
For Respondent	:	Shri Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/05/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.320 of 2016 registered at Police Station Rajim, Distt. Gariyaband, for the offence punishable under Sections 392 and 458/34 IPC.
2. As per case of the prosecution, a complaint was received from the complainant Manisha on the basis of which an FIR was lodged on 22.12.2016. In the FIR, the reference is made to an incident that took place on 12.11.2016 where it is alleged that the applicants are said to have entered into the house of the complainant and have assaulted her and have also robbed the complainant and snatched her Mangalsutra and thereafter fled away.
3. Learned counsel appearing for the applicant would submit that it is a false case which has been planted against the applicants. The applicant

No.1 is a person who has purchased a plot of land which is under dispute between the complainant's family and the seller of the said property to applicant No.1. Civil Suit filed by the family of the complainant was decided in favour of the erstwhile seller from whom the applicant No.1 has purchased the said property. He further submits that the applicants were assaulted by the complainant's father on 21.06.2016 for which an FIR was lodged. Father of the complainant is in jail for the said offence under Section 307 IPC. The bail application of the father of the complainant stood rejected by the High Court on 13.12.2016. Immediately after the complainant father's bail application stood rejected by the High Court, the present false complaint was lodged before the police authorities showing the date of incident to be 12.11.2016 and the FIR was lodged only on 22.12.2016 with no satisfactory explanation for the delay caused in filing the FIR.

4. The State Counsel opposes the bail application on the ground that the report shows that the applicants and other co-accused persons is said to have entered into the house of the complainant at odd hours, robbed the complainant and snatched her Mangalsutra.
5. Prima facie from perusal of record and case diary it would reveal that the applicant No.2 & 4 were injured by the complainant's father on 21.06.2016 when they were working in the field purchased by the applicant No.1 over which the complainant's family were claiming a right. Criminal case under Section 307 IPC is pending against the father of the complainant. His bail application got rejected on 13.12.2016. Therefore, prima facie it appears that the present complaint has been lodged only to counter the said case under Section 307 IPC lodged by the injured persons against the father of the complainant. Thus, this court is of the view that it is a fit case to grant anticipatory bail to the applicants.
6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 2. 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 them from disclosing such facts to the Court or to any police officer;
 3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
7. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder