

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 199 of 2017**

1. Akhilesh Minj S/o Sipriyanus Minj Aged About 27 Years Occupation Business, Caste Uraon
2. Sipriyanus Minj S/o Late Blasiyus Minj Aged About 58 Years Occupation Service, Caste Uraon,
Both are R/o Near Gayatri Mandir, Udaipur, Police Station & Tahsil Udaipur, District Surguja, Chhattisgarh.
3. Ajay Toppo S/o Shri Alois Toppo Aged About 31 Years Occupation Agriculturist, R/o Village Pratappur , Police Station & Tahsil Pratappur, District Surajpur, Chhattisgarh.

-----Applicants**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Sadar, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Smt. Hameeda Siddique, Advocate.
For Respondent	:	Shri Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19/05/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.22 of 2017 registered at Police Station Sadar, Ambikapur, for the offence punishable under Sections 354,294,506,323,458/34 IPC.
2. The applicant No.2 is the actual owner of the alleged property in which the he resides along with applicants No.1 & 3. The applicants No.1&3 are his son and nephew respectively. The case against the applicants as per prosecution is that, on 11.01.2017 the applicants along with other accused persons is said to have forcefully entered into the house where the complainant resides and used abusive language, assaulted her and

in the process it is alleged that the applicants tried to outrage her modesty.

3. Learned counsel appearing for the applicants submits that it is a case where false complaint has been made against the applicants so as to avoid eviction from the said property. According to him, the property originally belongs to the mother of the applicant No.2 and that complainant is a caretaker of the house and that she was brought to stay along with mother of the applicant No.2 to take care during her old age. Subsequently, after the death of mother of applicant No.2, the complainant is not vacating the said house and as such has filed a false complaint case.
4. The State Counsel opposes the bail application on the ground that written report has been filed on 12.01.2017 wherein the complainant is said to have narrated the entire facts on the basis of which FIR was lodged.
5. Taking into consideration the facts and circumstances of the case, particularly the statement of Husband of complainant i.e. Lalit it appears that dispute seems to be property dispute between the parties and that the applicants herein has produced a document showing that it is a property belonging to mother of the applicant No.2, this court is of the opinion 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