

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 235 OF 2017

1. Jugendra Yadav, S/o Sarju Yadav, aged about 28 years
 2. Surajdev Yadav, S/o Bindeshwari Yadav, aged about 44 years
- Both are Caste- Ahir, R/o Village Nawapara, Chowki- Pandrapath,
Tahsil- Bagicha, District Jashpur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through the Incharge, Police Chowki- Pandrapath,
Police Station- Bagicha, District- Jashpur (C.G.)

... Non-applicant

For Applicants	:	Mr. J.K. Saxena, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 17 of 2017, registered at Police Chowki – Pandrapath, Police Station- Bagicha, District- Jashpur, for the offence punishable under Sections 354-A, 506, 34 of IPC.
2. Case as per the prosecution against the Applicants is that on 30.1.2017 the Applicants is said to have tried to outrage the modesty of the victim and also given her threatening, based upon which an FIR has been registered against them.
3. Learned Counsel for the Applicants submits that on a complaint lodged by Applicant No.2, the father of the victim and his brothers were prosecuted for the offence under Section 307 of IPC and they have been convicted vide judgment dated 17.1.2017 and immediately thereafter to counter the said action, the present false complaint has been lodged on 30.1.2017. He further submits that so far as Applicant No.1 is concerned, he was one of the witnesses who was examined in the case in which the

father of the victim was convicted. Counsel for the Applicants produced before this Court the judgment passed by the Sessions Judge, Jashpur in Sessions Trial No. 14 of 2016.

4. Learned Counsel for the State however opposes the anticipatory bail application on the ground that there is a complaint lodged by the victim based upon which an FIR has been lodged. He further submits that in the complaint the present Applicants have been specifically named and their role has been assigned.

5. Considering the total facts and circumstances of the case, particularly keeping in view the fact that the father of the victim has been convicted on the complaint lodged by Applicant No.2, therefore it appears that the present Applicants have been falsely implicated in the present case. Therefore, this Court is of the opinion that a prima facie strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 17 of 2017, registered at Police Chowki – Pandrapath, Police Station- Bagicha, District- Jashpur, for the offence punishable under Sections 354-A, 506, 34 of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

(i) that the applicants shall make themselves available for interrogation before the concerned 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) that 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.

Sd/-

(P. Sam Koshy)
Judge

/sharad/