

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1262 /2016

1. Hem Kumar @ Hemul Bhaskar, S/o. Jeet Rai, Aged About 45 Years.
2. Shashi Kapoor Ratre, S/o. Hiradas, Aged About 23 Years.

Both are R/o. Village Bakarkuda, Chowki Marlhar, Tehsil & Police Station Masturi, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Masturi, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant s	:	Mr. Surfaraj Khan, Advocate.
For Respondent	:	Mr. Ashish Shukla, Govt. Advocate along-with Mr. R.L.Bagh, Incharge-S.H.O., P. S. Masturi.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.03.2017

1. Apprehending arrest in connection with Crime No.424/2016 registered at Police Station- Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 452, 323, 294, 354, 506, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix on 26.10.2016 that in the intervening night of 25/26.10.2016 at about 1 O'clock when she came out to answer the call of nature, the present applicants caught hold of her because of there has been exhumed of some dead body of the villager and thereafter they assaulted her, tried to outrage her modesty and torn out of her garments.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case because of the fact that one Kajal Bhaskar has misappropriated the money in the village, therefore, she was dismissed from the office of Sarpanch, Gram Panchayat. Consequently, in order to avoid the same, the sister-in-law, the complainant, has made the false report. He further referred to the fact that various reports have been made by the applicants to the police officer and would submit that before the incident, the applicants apprehending that in some false case they would be inculpated as such they made a report to the police as per Annexure A-3; therefore, the applicants may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the victim as also the medical report. Taking into such statement, it is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge