

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8202 of 2016

1. Athar, S/o. Mohd. Ahmed, Aged About 25 Years, R/o. Vijaynagar, Police Station Ramanujganj, District Balrampur – Ramanujganj, Chhattisgarh
2. Anil Tiwari, S/o. Krishna Tiwari, Aged About 44 Years, R/o. Shankargarh, Police Station Shankargarh, District Balrampur – Ramanujganj, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Shankargarh, District Balrampur – Ramanujganj, Chhattisgarh

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate.

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.63/2016 registered at Police Station- Shankargarh, District Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 420, 386, 354(क) 294, 506/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was lodged by one Devnandan Ram that he was having bad dreams, as such, the applicants came in his house and started witchcraft and over a period of time in intervals Rs. 15 Lakhs were withdrawn and certain coins were also taken out after digging the courtyard and subsequently it was found that the said coins were not of the Gold and Silver. Further, it was stated that they wanted to have physical

relation with the wife of the complainant and tried to outrage her modesty and also threat was extended. Thereby, the offence has been committed.

3. Learned counsel for the applicants would submit that the complainant is a Class-III employee and the entire story is improbable and no Bank statement or anything has been placed on record to show that the amount was paid. Thereby, false allegations have been leveled against the present applicants, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the complainant under Section 161 & 164 of Cr.P.C. as also that of the wife. Considering the statement and the way the offence has been committed in an organized manner in the name of witchcraft, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge