

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 474 /2017

Sugamchand, S/o. Tulsiram, Aged About 45 Years, Presently Posted and working as Head Master, Government Higher Secondary School, Murkuta, Police Station Nawagarh, Tahsil Nawagarh, District Bemetara, Chhattisgarh. R/o Shankar Nagar, Nawagarh, Police Station & Tahsil Nawagarh, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Nawagarh, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate.

For Respondent : Mr. Ramakant Pandey, Panel Lawyer

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M.Cr.C.(A) No. 482 /2017

1. Poonamchand, S/o. Tulsi Ram, Aged About 51 Years, Caste Satnami, Occupation Service, Panchayat Secretary, Gram Panchayat Bortara, Block Nawagarh, Police Station Nawagarh, Tahsil Nawagarh, District Bemetara (Chhattisgarh)
2. Smt. Pushpa, W/o. Poonamchand, Aged About 48 Years, Caste Satnami, Occupation Housewife, R/o. Village Bhosamuda, Police Station Nawagarh, Tahsil Nawagarh, District Bemetara (Chhattisgarh)
3. Ku. Manjulika, D/o. Poonamchand Joshi, Aged About 23 Years, Caste Satnami, Occupation Student, Presently Studying, R/o. Village Bhosamuda, Police Station Nawagarh, Tahsil Nawagarh, District Bemetara (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Nawagarh, District Bemetara (Chhattisgarh).

---- Respondent

For Applicants : Mr. Rajeev Shrivastava, Advocate.

For Respondent : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.11.2017

1. Apprehending arrest in connection with Crime No.104/2017 registered at Police Station- Nawagarh, District Bemetara (C.G.) for the offence punishable under Sections 376, 498-A/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 victim on 15.05.2017 that she was married to Vinay Joshi in the year 2011 and thereafter out of the wedlock a female child was born and thereafter the applicants uncle-in-law, father-in-law, mother-in-law and sister-in-law forced her to have relation with her brother-in-law (Devar) and she was subjected to forceful rape by the brother-in-law. On 20.04.2017 deliberately the nob of the gas-cylinder was made open and she was forced to enter into the Kitchen but she could save herself and she was further subjected to forceful rape on several times and on 06.05.2017 & 08.05.2017 the offence has been committed and eventually she was thrown out of the house.
3. Learned counsel for the applicants would submit that the applicants Poonamchand is father-in-law, Smt. Pushpa is mother-in-law, Ku. Manjulika is sister-in-law and applicant Suganchand is brother of the father-in-law (*Chacha Sasur*) of the victim and only vague allegations have been attributed. It is submitted that the husband and brother-in-law of the victim have already lodged in jail. The charge sheet has been filed, no useful purpose would be served to keep the applicants in custody and maximum the case is made out under Section 498-A of I.P.C. It is further submitted that on the date of incident, as has been stated on 20.04.2017, death has occurred in the house, therefore, improbable story has been stated; consequently 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 statement of the wife/victim. The charge sheet in this case has been filed. Considering the statement, facts &

circumstances of the case and the fact that applicants are father-in-law, mother-in-law, sister-in-law & uncle-in-law and further taking into the nature of allegation attributed to them, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

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