

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 417 of 2017

- Sonu Agrawal S/o Shri Kailash Chandra Agrawal, Aged About 27 Years
Occupation Business, R/o Village Narmadapur, P.S. Kamleshwarpur
Mainpat, District Surguja, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Lundra, District Surguja, Chhattisgarh, Chhattisgarh

---- Respondent

And

MCRCA No. 420 of 2017

1. Prashant Tiwari S/o Shri Madan Kumar Tiwari Aged About 25 Years
Occupation Private Service, R/o Village Rajpur, Police Station And
Tahsil Rajpur, District Balrampur, Chhattisgarh., Chhattisgarh
2. Prateeksha Tiwari D/o Shri Madan Kumar Tiwari Aged About 22 Years
Occupation Student, R/o Village Rajpur, Police Station And Tahsil
Rajpur, District Balrampur, Chhattisgarh., District : Balrampur,
Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Lundra, District Surguja, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicants	:	Mr. Raghvendra Verma, Advocate.
For Respondent/State	:	Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/01/2018

1. Since the above bail applications arise out of the same crime number,
they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for

grant of anticipatory bail as they apprehend their arrest in connection with Crime No.85/2016 registered at Police Station-Lundra, District – Surguja(C.G.), for the offence punishable under Sections 294, 323, 506, 342 & 394/34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that main accused Pratima Tiwari and the complainant had love affair between them. By presenting himself as a divorcée, the main accused had developed relationship with the complainant on his promise that he will marry her. Later on, the main accused came to know that the main accused is not a divorcée and he is still living with his married wife. All the allegations leveled against these applicants are totally false and they are in no way connected with the offence alleged to have been committed. As the case is regarding a dispute between main accused and the complainant, no offence is made out against the applicants in this case. It is further submitted by learned counsel for the applicant that applicant No.2 Pratiksha Tiwari in MCRC(A) No.420 of 2017 is a student and if she is arrested in this case, her future carrier would be spoiled. It is also submitted that consequent to lodging of FIR by the complainant, main accused Pratima Tiwari has also lodged FIR against the complainant on the basis of which offence under Section 376 of IPC has been registered against them. Hence, it is prayed that applicants be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that in the FIR lodged by the complainant, all the applicants have been specifically named and the allegations are clear that they have actively participated in the

commission of offence. Hence, no extraordinary case is made out in favour of the applicants.

5. Heard both the parties and perused the case diary.
6. As the case is this, that complainant Pramod Kumar Seth lodged a complaint against main accused Pratima Tiwari and applicants herein that the main accused called him and demanded money from him and on his refusal, he was abused, beaten and wrongfully confined for three days. His car, laptop, two mobiles, cash of Rs.7500/-, bank passbook, Gas card, Sim card etc. were also looted by all the applicants. Main accused Pratima Tiwari further demanded Rs.2 lakhs and threatened that if the demand is not fulfilled then she would lodge a false case of rape against him.
7. Considered the submissions made and the contents of case diary. As the case appears to be that there is direct allegations against these applicants in the FIR as well as in the statement recorded under Section 161 of Cr.P.C., I am of the opinion that no case is made out for grant of anticipatory bail to applicants namely Sonu Agrawal & Prashant Tiwari. However, considering the future prospects of applicant No.2 Prateeksha Tiwari in M.Cr.C. (A) No.420/17, who is a 22 years old girl and is prosecuting her studies, this court is of the opinion that she may be benefitted with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application of applicant No.2- Prateeksha Tiwari in MCRCA No.420 of 2017 is allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating

Officer. The applicant shall also abide by the following conditions :-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

9. The anticipatory bail applications of applicant Sonu Agrawal in MCRC(A) No.417 of 2017 and applicant Prashant Tiwari in MCRC(A) No.420 of 2017 are rejected.

10. It is made clear that the trial Court shall not be influenced by any of the observations made in this order while deciding the case against the applicants.

Sd/-

(Rajendra Chandra Singh Samant)
Judge