

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 122 of 2018

1. Tahir Chauhan S/o Hazi Mainuddin Chauhan, Aged About 48 Years
R/o Polsay Para Durg, Tahsil And District Durg Chhattisgarh, District :
Durg, Chhattisgarh
2. Naseem S/o Abdul Kadir Aged About 25 Years R/o Polsay Para, Durg
Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mohan Nagar, Durg
District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.
For Respondent : Ms. K. Tripti Rao, Panel Lawyer.
For Objector : Mr. Rakesh Kumar Thakur, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/04/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.05/2018 registered at Police Station- Mohan Nagar, District – Durg(C.G.), for the offence punishable under Sections 323, 294, 506/34 & 354 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that initial FIR that was lodged against both the applicants dated 3.1.2018, the

offence that were registered under Sections 323, 294 & 506/34 of IPC. These applicants moved an application for grant of anticipatory bail before the Sessions Court which was rejected on 10.1.2018. Subsequent to that another statement has been purposefully given by victim in this case adding Section 354 of IPC and then again application for anticipatory bail has been rejected by the Sessions Court. This itself makes it clear that applicants have been falsely implicated in the offence under Section 354 of IPC. In fact, there had been a dispute between the applicants and the complainant regarding some money transaction between them and as the complainant was not paying the dues to the applicant, therefore, a false FIR has been lodged. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that from the diary statement of the witnesses is clear that the applicants had been engaged in outraging the modesty of the victims in this case. Hence, no case is made out for grant of anticipatory bail.
4. Learned counsel for Objector adopts the arguments of the State and submits that no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The case against the applicants is this, that on 3.1.2018 the applicant No.1 came to the house of the victim, used abusive and obscene words to insult her, threatened her for life and thereafter caught hold of her hairs and assaulted her with hands and fists. Applicant No.2 also participated in this assault. When the daughter-in-law of the victim came to intervene, she too was abused and assaulted. FIR was lodged on the same day and statement under Section 161 of CrPC

was recorded on 4.1.2018. Statement under Section 164 of CrPC has been recorded on 15.1.2018, in which, additional statement has been made by the victim that the applicants had outraged the modesty of the victim and her daughter-in-law. Hence, this case.

7. From the perusal of the material present in the case diary it is clear that there is some dispute regarding the dues pending against the complainant and the applicant No.1 has been pressurizing the complainant to repay the dues. Further, from the contents of FIR it appears that the applicants had been to the house of the complainant mainly for the purpose of realizing the dues from her. Thus, considering all the material present in the case diary, I am of this opinion that applicants should be granted anticipatory bail.
8. 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha