

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 270 of 2018**

1. Thakur Ram Patel. S/o Shri Ramdayal Patel Aged About 65 Years Caste Aghariya, Occupation Cultivator, R/o Village Kandola, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh caste Aghariya, Occupation Cultivator, R/o Village Kandola, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Onkar Patel S/o Thakur Ram Patel Aged About 33 Years Caste Aghariya, Occupation Cultivator, R/o Village Kandola, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh caste Aghariya, Occupation Cultivator, R/o Village Kandola, Police Station Sariya, Tahsil Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. H.S. Patel, Advocate.  
For Respondent : Mr. Vinod Tekam, Panel Lawyer.  
For Objector : Mr. Surfaraj Khan, Advocate.

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

**06/04/2018**

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.30/2018 registered at Police Station- Sariya, District – Raigarh (C.G.), for the offence punishable under Sections 294, 323 & 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 the complainant in this case is daughter-in-law of applicant No.1 and wife of applicant No.2, who lived in her matrimonial home upto 1.5.2017 and thereafter she is living in her paternal home. On 4.11.2017 the complainant made a complaint to the Aghariya Society alleging about the dispute and quarrel with the applicants which was examined by the elderly persons of Aghariya society and nothing against the applicants could be found. Subsequent to that, a false FIR has been lodged on 12.2.2018 after due deliberation. No case is made out against both the applicants. Hence, it is prayed applicants be enlarged on regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant/victim has made clear and categorical statement against the applicants about the commission of offence, hence, they are not entitled for grant of anticipatory bail.
4. Learned counsel for Objector adopts the argument of the State and submits this is a kind of offence which requires lot of courage on part of a woman to come forward and make a complaint before the society and others. Hence, the case against applicant No.1 is not fit for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. FIR has been lodged on 12.2.2018 by complainant/victim Lata Patel alleging that her marriage was solemnized with applicant No.2 on 11.6.2015 and just after about 3 months of marriage, applicant No.1 started behaving in a lustful manner by finding various occasions to stare at the complainant and he outraged her modesty on number of occasions. When the complainant informed about this incident to her

husband i.e. applicant No.2, he got enraged, abused and assaulted the complainant. When the complainant informed about this incident to her mother-in-law she also did not believe her, leaving no option with her but to leave her matrimonial home and lodge this FIR.

7. Considered on the entire material present in the case diary. Some affidavits have been filed from the complainant side which have been verified by the State and according to the verification report, it has been stated, that the complaint was made on 4.11.2017 before the society of Aghariya caste. The elderly members of the society have found that in the complaint filed before the society by the complainant, she has not made any allegation against applicant No.1 about his lustful behavior. FIR has been lodged after lapse of more than 7 months from the date when the complainant had left her matrimonial home.
8. The truthfulness in the allegations made by the complainant are yet to be examined. Looking to the lapse of time in making complaint, the report of police and verification report of documents, I am of this opinion that applicants should be granted anticipatory bail.
9. 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