

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 674 of 2018

Smt. Kaushiliya Rajput W/o Jalesh Rajput, Aged About 37 Years R/o Village Ghughri Kala, Post Office & Police Station Kawardha, District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh

---- Non-Applicant

AND

MCRCA No. 765 of 2018

1. Jalesh Singh Rajput S/o Daya Singh Rajput Aged About 43 Years
2. Lalit Singh Rajput S/o Jalesh Singh Rajput Aged About 18 Years
3. Bhisham Pandey S/o Lalaji Pandey Aged About 48 Years

All R/o Village Paliguda, Post Office And Police Station Kawardha District Kabirdham Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Kawardha District Kabirdham Chhattisgarh

---- Non-Applicant

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Non-Applicant	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/07/2018

1. The present are two applications under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicants who are apprehending their arrest in connection with Crime No. 391/2017 registered at Police Station Kawardha, District Kabirdham, Chhattisgarh for the offence punishable under Sections 456, 294, 506/34 of the Indian Penal Code.
2. The allegations against the present applicants as per the case of prosecution is that the applicants herein is said to have on

29.11.2017 forcefully entered into the house of the complainant and is said to have used abusive language against the complainant side and also is said to have threatened them of dire consequences.

3. The counsel for the applicant submits that it is a case where the present applicants have been falsely implicated, in as much as the applicant in MCRC No. 674/2018 had lodged an F.I.R. against the complainant side on 27.11.2017, which was registered as Crime No. 386/2017 at Police Station Kabirdham for the offence punishable under Sections 354, 506 & 456 of the Indian Penal Code. The 164 statement of the applicant also was recorded on the very next day i.e. on 28.11.2017, wherein the statement of the present applicant and the contents of the F.I.R. matches to each other. Thereafter on the very next day i.e. on 29.11.2017, the F.I.R. has been lodged by the complainant in the present case against the applicants herein.
4. The counsel for the applicants submits that the aforesaid contents itself would show that present applicants have been implicated in a false case, so as to put pressure upon the applicants in the F.I.R. which has been lodged by the present applicants against the complainant. Thus prayed for grant of anticipatory bail to the present applicants.
5. The State counsel however opposes the bail application.
6. Perusal of the documents enclosed with the bail application, particularly taking note of the F.I.R. lodged by the applicants on 27.04.2018 and her statement recorded on 28.11.2017, both of which being prior to the F.I.R. lodged in the present case, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

7. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the applicants in connection with Crime No. 391/2017 registered at Police Station Kawardha, District Kabirdham, Chhattisgarh for the offence punishable under Sections 456, 294, 506/34 of the Indian Penal Code, if they furnish personal bond for a sum of **Rs.25,000/- with one surety** each of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned 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 them 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/-
(P. Sam Koshy)
Judge