

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 696 of 2018

1. Haji Mohammad Ameen S/o Haji Jumma Aged About 60 Years R/o Purani Basti, Itwari Bazar, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Sabeena Bano, D/o Haji Mohammad Ameen, Aged About 25 Years R/o Purani Basti, Itwari Bazar, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Mohammad Arif, S/o Haji Mohammad Ameen, Aged About 30 Years R/o Purani Basti, Itwari Bazar, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Ps Kotwali, Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicants : Mr. K.K. Singh, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

26/07/2018

1. At the outset, counsel for the applicants No.1 & 3(Haji Mohammad Ameen & Mohammad Arif) seeks permission of this Court to withdraw this application filed under Section 438 of Cr.P.C.
2. It is ordered as prayed for.
3. Accordingly, the bail application filed under Section 438 of Cr.P.C is

dismissed as withdrawn.

4. The concerned Court is directed to consider on the regular bail application of the applicant No.1 & 3 if the applicants surrender and applies for regular bail before the concerned Court below, the same be decided as far as practicable on the same day.
5. The applicant No.2(Sabeena Bano) has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.325/2018 registered at Police Station- Kotwali, District – Korba(C.G.), for the offence punishable under Sections 323, 506, 354/34 of the Indian Penal Code.
6. Learned counsel for applicant No.2 submits that applicant is innocent and has been falsely implicated in this case. There is no such evidence found in the investigation to implicate her in the offence as alleged. Hence, it is prayed that applicant be enlarged on anticipatory bail.
7. Learned State counsel opposes the bail application and the submissions made in this respect.
8. Heard both the parties and perused the case diary.
9. Victim has lodged FIR alleging mainly against applicants No.1 & 3 that they used to outrage her modesty on number of occasions and when she tried to complain about it, then she was beaten and threatened. Hence, this case.
10. After considered on all the material present in the case diary, I am of this view that present is a fit case where the applicant No.2 (Sabeena Bano) can be granted anticipatory bail.
11. Accordingly, the anticipatory bail application of applicant No.2 is allowed and it is directed that in the event of arrest of the applicant

No.2 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his 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 No.2 shall also abide by the following conditions :

- (i) that the applicant No.2 shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant No.2 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 No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant No.2 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge