

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 796 of 2018**

- T. R. Sahu S/o Late Dayachand Sahu, Aged About 71 Years, R/o Gayatri Mandir Ward No.25, House No.406, Station Road, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri B.P. Sharma, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**02-08-2018**

1. Apprehending arrest in connection with Crime No.219/18, registered at Police Station -Mohan Nagar, Durg, Chhattisgarh for offence punishable under Section 376, 354, 511, 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case by his daughter-in-law because of the disputes that could not be resolved between the complainant and her in-laws. The marriage of the complainant with son of this applicant had taken place on 29-01-2016 and thereafter the married life of both was not peaceful. The son of this applicant had made complaint on 05-05-2017 making allegation of cruelty against the complainant. The record of the proceedings of conciliation committee of the District Police shows that the complainant appeared before the said committee and thereafter a compromise was arrived at between her and her husband which was temporary and then again their relations became strained which is shown in the record of the proceeding dated 20-11-2017. The complaints were made by the son of this applicant on number of occasions to the police, that the complainant is threatening to implicate her husband and in-

laws in false cases of rape and outraging her modesty. The last complaint was filed by son of this applicant on 05-06-2018 and subsequent to that, the complainant has lodged the false FIR on 11-06-2018 making allegations against this applicant. The contents of the FIR by itself show that a totally false, improbable story has been brought-forth. The applicant himself is of age 71 years and incapable to act as alleged. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that in the conciliation proceeding it is made clear that son of the applicant and complainant were living separately and having no physical relation with each other. The allegations made by the complainant against this applicant are of very derogatory nature looking to the relation of this applicant with the complainant. There is sufficient material in this case to make out prima facie case against the applicant, hence, for these reasons, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. A written complaint was filed by the complainant Mahima Sahu that after her marriage on 29-01-2016 her husband did not establish physical relation with her, on asking about it he said that he is incapable in doing so. She made complaint in Mahila Thana, in which, conciliation proceeding was taken up and a compromise was arrived at and the complainant started living in separate room from 12-06-2017. It is alleged that after this, the applicant started approaching the complainant and he outraged her modesty in various forms on various occasions and in the series of these acts he also attempted to rape the complainant and it is alleged that whenever the complainant complained about the act of this applicant to her husband and mother-in-law they did not support her and in return used to threaten her with dire consequences. Ultimately she was compelled to leave her matrimonial home.

6. The contents of the FIR and the statement of the complainant and other witnesses make out a prima facie case. All the grounds raised on behalf of the applicant and the material placed on record about the conciliation proceeding may be used by the applicant in his defence, but, they cannot be considered to create any lacuna in the case at this stage. Hence, after due consideration, I am of this view that this is not a fit case for grant of anticipatory bail to the applicant.

7. Accordingly, this application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**