

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 916 of 2018

1. Jogeshwar S/o Ratiram Sahu, Aged About 49 Years, Occupation Sevice (Teacher) R/o Umara Nagar, P. S. Than Khamhariya, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh
2. Sadanand S/o Baldau Sahu, Aged About 29 Years, Occupation Student B. A. Final (Private), R/o Ward No. 07, Near Rojlin School Mohabhattha Road Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh
3. Govinda Sahu S/o Khilawan Sahu, Aged About 28 Years, Occupation Student, R/o Infront of Garden, Bemetara, Tahsil And District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunda, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicants – Mr. Vivek Singhal, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-08-2018

1. Apprehending arrest in connection with Crime No.09/2018, registered at Police Station – Kunda, District- Kabirdham, Chhattisgarh for offence punishable under Section 354, 323, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case on the basis of the false and delayed FIR lodged by the complainant by 24 days. This FIR has been deliberately lodged as a counter-blast to one FIR that has been lodged by niece of applicant No.1 against the husband of the complainant about outraging her modesty. Applicant No.1 is a Government servant. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that clear allegation has been made by the complainant in this case,

hence, the application may be rejected.

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

5. It is alleged in this case that all these applicants outraged modesty of the victim in this case saying that her husband has outraged the modesty of one Devhuti who is niece of applicant No.1 and sister of applicant No.2 and applicant No.3, and thus also assaulted and caused injuries to her. Hence, this case.

6. Considered on the entire material present in the case diary and also perused the documents which have been produced along with the application, according to which, it appears that one FIR has been lodged against the husband of the complainant in this case on 25-12-2017. The date of incident in this case is 27-12-2017, whereas, the FIR has been lodged on 19-01-2018, regarding which there is no explanation of delay in lodging the FIR. Hence, for these reasons, I am of this opinion that these applicants should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in sum of Rs.25,000/- 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil