

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1078 of 2018**

Rizwan Ahmed, S/o. Jamil Ahmed, Aged About 36 Years, R/o. Behind Noorani Masjid, Talapara, Bilaspur, Tahsil and District- Bilaspur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Prateek Sharma, Advocates
For Respondent/State	: Mrs. Madhunisha Singh, P.L.
For Objector	: Mr. Goutam Khetrapal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/09/2018**

1. Apprehending arrest in connection with Crime No.702/2018, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 354, 294 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The fact is this that the complainant is tenant of this applicant and it is a dispute between the landlord and tenant as the applicant wanted the complainant to vacate rented premises. The wife of the applicant had earlier filed a written complaint in Police Station – Civil Lines,

Bilaspur stating that the complainant had argued and quarreled with her husband for the reasons that she did not want to vacate the tenanted premises and she has threatened to implicate the applicant in false case. The complainant had also approached the police station as the FIR was not registered, she filed an application U/s. 156 (3) of Cr.P.C. before the Court of Judicial Magistrate First Class, Bilaspur on 08.05.2018. Later on the complainant got her petition dismissed as not pressed on 27.06.2018. Then surprisingly, the complainant filed W.P.(Cr.) No.403/2018, before this Court, making complaint about non-registration of FIR, on which the Court passed order dated 24.07.2018 directing registration of FIR in this case. Hence, looking to the development that has taken place it is very much clear that the case is concocted against the applicant. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the parties submits, that the complainant made numerous complaint to get complaint registered in police station, in which she failed then she was compelled to file writ petition before this Court. The applicant and his relatives are constantly threatening the complainant regarding which complainant has given complaint to police on 15.06.2018, 23.07.2018 and 09.09.2018. The offence committed by the applicant is of grievous in nature and also the applicant is the man of influence having political connections, hence, it is prayed that he may not be released on anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complaint against the applicant is this that on the date of incident, he used abusive words for the complainant and also threatened her and then on 24.04.2018, he entered into the house of the complainant/victim and used force on her to outrage her modesty and threatened to rape her.
7. Considered the submissions made and the contents of the case diary. There may be a dispute regarding tenancy between the applicant and the complainant, but it appears that the complaint was made promptly on the very next date of the incident on which the police have not acted. The effect of other circumstances that have come up may be considered by the trial Court, but for the present, looking to the direct allegations against the applicant, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

C.C. as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge