

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1124 of 2018

1. Loknath Patel S/o Shri Parasmani Patel, Aged About 33 Years, R/o- Village Saraipali (Chechang), Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Shyamlal S/o Shri Sitaram Patel, Aged About 42 Years, R/o- Village Khairmuda, Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Dabhara, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---Non-applicant

For Applicants – Shri Harshwardhan Jaiswal, Advocate.

For Non-applicant/State –Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-10-2018

1. Apprehending arrest in connection with Crime No.325/2018, registered at Police Station – Dabhara, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 452, 354, 506, 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. Applicant No.1 – Loknath Patel is President of Sewa Sahkari Samiti Dhurkot and Applicant No.2 Shyamlal is member of the said Samiti. The victim in this case had been earlier the president of the said society, hence, she has falsely implicated the applicants in this case for the incident which has not taken place. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for non-applicant/State opposes the application submitting that there is clear allegation made by the complainant/victim against applicant No.1 that he was the person who torn her blouse at the time of incident. Hence, the application may be rejected.

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

5. On the date of incident the applicants and others came to the house of the complainant/victim and after some altercation and scuffle with the victim and her husband, it is alleged that applicant No.1 had torn the blouse of the victim and thus outraged her modesty.

6. After due consideration on the entire material present in the case diary, I do not feel inclined to grant anticipatory bail to applicant No.1 Loknath Patel. Consequently, the prayer made by applicant No.1 Loknath Patel for grant of anticipatory bail in this application is rejected.

7. Whereas, in the considered view of this Court, applicant No.2 Shyamlal deserves to be benefited with grant of anticipatory bail. Accordingly, the prayer for grant of anticipatory bail by applicant No.2 Shyamlal in this application is allowed. It is directed that in the event of arrest of applicant No.2 Shyamlal in connection with the aforesaid offence in this case, he shall be released on bail by the officer arresting him 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date

given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge