

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1509 of 2018

1. Indrabhan Tiwari S/o Radheshyam Tiwari, Aged About 56 Years, Occupation Business/ Agriculture, R/o Village Kafarmar, Jobi, District Raigarh Chhattisgarh,, District : Raigarh, Chhattisgarh
2. Varun Kumar S/o Indrabhan Tiwari, Aged About 26 Years R/o Village Kafarmar, Jobi, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Out Post Jobi, Police Station Kharsiya, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2018

1. Apprehending arrest in connection with Crime No.424/2018, registered at Police Station – Kharsiya, Out Post Jobi, District- Raigarh, Chhattisgarh for offence punishable under Section 294, 506, 323, 354A/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 for offence under Section 354A of the IPC which they have not committed, the other offences registered are bailable in nature. Hence, it is prayed that they may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Smt. Meena Jhariya has lodged the FIR stating that driver of applicant No.1 Indrabhan Tiwari had come to her shop and engaged in a dispute passing unwanted and obscene comments for her, then they engaged in quarrel. In later part of the day, the driver of applicant No.1 came along with

both these applicants and committed mischief by damaging the articles of the shop and pulled and dragged the complainant for the purpose of assaulting her.

6. As there does not appear to be any clear statement made by the complainant that the applicants had any intention to outrage her modesty, hence, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they 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