

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1527 of 2018

1. Smt. Usha Singh W/o Rajkumar Singh, Aged About 45 Years, R/o Nagar Nawapara, Ambikapur, Police Station Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Kumari Priyanka Singh D/o Rajkumar Singh, Aged About 26 Years, R/o Nagar Nawapara, Ambikapur, Police Station Gandhi Nagar, Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Schedule Caste and Schedule Tribe (Prevention of Atrocities), Police Station Mahila Thana, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants – Mr. Manoj Paranjpe, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-12-2018

1. Apprehending arrest in connection with Crime No.18/2018, registered at Police Station – Mahila Thana Ambikapur, District Surguja, Chhattisgarh for offence punishable under Section 376(2)(a), 294, 34 of the IPC and Section 3(1-r), 3(1)(s), 3(1)(iv) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants have preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against these applicants. There is no allegation against these applicants regarding offence under Section 376(2)(a), 34 of the IPC. It is alleged that when the prosecutrix tried to approach these applicants to negotiate her marriage with son of applicant No1. and brother of applicant No.2, she was abused, which is totally false and baseless. These applicants have been made party in this case only to pressurize for the relation which the prosecutrix wants with son of applicant

No.1 and brother of applicant No.2. 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 according to the statement given by the prosecutrix under Section 161 of the Cr.P.C., no case is made out for grant of anticipatory bail.

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

5. The case against these applicants and co-accused person Priyesh Singh is this, that co-accused Priyesh Singh allured the prosecutrix with false promise to marry her and had live-in relation with her for about 7 years. Later on, co-accused Priyesh Singh refused to marry her, because of which the prosecutrix approached these applicants when she was abused, threatened and insulted by her caste name. Hence, this case.

6. Considered on the entire material present in the case diary. The statement of the prosecutrix recorded later on under Section 164 of the Cr.P.C. does not speak of the incident of insult by her caste name by these applicants. Apart from that, the documents attached with the application also support the case of the applicants which will be required to be proved before the Court below during trial against them. 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