

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 305 of 2019

1. Hemendra Bahadur Chandra S/o Dwarika Prasad Chandra, Aged About 28 Years, Caste- Chandranahu, R/o Village- Sukhda, Police Station And Tahsil- Dabhara, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Virendra Kumar Chandra S/o Dwarika Prasad Chandra, Aged About 24 Years, Caste- Chandranahu, R/o Village- Sukhda, Police Station And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Dwarika Prasad Chandra S/o Shyamta Prasad Chandra, Aged About 66 Years, Caste- Chandranahu, R/o Village- Sukhda, Police Station And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Smt. Chandni Bai W/o Dwarika Prasad Chandra, Aged About 52 Years, Caste- Chandranahu, R/o Village- Sukhda, Police Station And Tahsil- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Out Post Faguram, Police Station- Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shubham Tripathi, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2019

1. At the outset, learned counsel for the applicants prays to withdraw application for grant of anticipatory bail filed on behalf of applicant No.1 Hemendra Bahadur Chandra, therefore, his application is dismissed as withdrawn.
2. Applicants No.2, 3 and 4 are apprehending arrest in connection with Crime No.51/2019, registered at Police Out Post Faguram, Police Station – Dabhara, District- Janjgir- Champa, Chhattisgarh for offence punishable under Section 376, 498A, 109 of the IPC, hence, by filing this application they have prayed for grant of anticipatory bail.

3. It is submitted by learned counsel for applicants 2, 3 and 4 that these applicants have been falsely implicated in this case. No case is made out against them as the allegation of sexual exploitation is against applicant No.1 and there had been no formal marriage performed according to the norms of social acceptance between applicant No.1 and the complainant, therefore, offence under Section 498A of the IPC is not made out. The only allegation against these applicants is this that, when the complainant tried to force her entry into the house of these applicants, then the applicants had objected and abused her. Therefore, it is prayed their application may be allowed.

4. Learned counsel for the State/non-applicant opposes the application submitting that according to the allegation made, these applicants had conspired with the main accused, applicant No.1, in commission of offences, therefore, their application may be rejected.

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

6. The FIR has been lodged by the complainant/prosecutrix that applicant No.1 allured her with promise to marry her and exploited her sexually for about 4 years. When the complainant became pregnant applicant No.1 forced her to get her pregnancy aborted, promising again that he will marry her after abortion, but, then he again refused her, then the complainant approached the police station, on which the applicant No.1 proposed to marry her and formal marriage was performed by entering into a written agreement and thereafter the applicant No.1 has again deserted the complainant. Hence, this case.

7. After perusing the case diary and looking to the role alleged against these applicants, I feel inclined to allow this application for applicants No.2, 3 and 4.

8. Accordingly, the prayer made by applicants No.2 Virendra Kumar Chandra, applicant No.3 Dwarika Prasad Chandra and applicant No.4 Smt. Chandni Bai for grant of anticipatory bail in this application are 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge