

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 937 of 2019**

Reshma Bano, W/o. Irshad Ali, Aged About 28 Years, R/o. Village Subhash Nagar, Maudahapara, Police Station -Ganj Raipur, District- Raipur, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Officer-In-Charge, Police Station - Ganj, Raipur, Chhattisgarh.

---- Respondent***AND*****M.CR.C.(A). No. 1058 of 2019**

1. Rijwana Bano, W/o. Gaffar Khan, Aged About 33 Years,
2. Ikrar Ahmad @ Saddam, S/o. Abrar Ahmad, Aged About 26 Years,
3. Nijamuddin @ Husain Ahmad, S/o. Abrar Ahmad, Aged About 24 Years,

All are R/o. Village- Subhash Nagar, Maudahapara, Police Station- Ganj Raipur, District- Raipur, Chhattisgarh.

----Applicants***Versus***

State Of Chhattisgarh, Through Officer-In-Charge, Police Station - Ganj, Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Badruddin Khan, Advocate
For Respondent/State	: Mr. Subhash Yadav, Dy.G.A.
For Objector	: Mr. Sumit Singh Rathore, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/07/2019**

1. Both the applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.217/2019, registered at Police Station – Ganj, Raipur, (C.G.) for offence punishable under Section 294, 506-B, 323, 452, 34 of the Indian

Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The applicant – Reshma Bano (applicant in M.Cr.C.(A) No.937 of 2019) is a pregnant lady and it is impossible for her to act in the said commission of offence as alleged. The complainant has falsely implicated the rest of the applicants (in M.Cr.C.(A) No.1058 of 2019) on account of previous enmity and dispute. The complainant herself has assaulted the applicant Rizvana Bano and Reshma Bano, regarding which a complaint has been filed in the police station on 30.05.2019. Apart from that the applicant Ikrar Ahmad @ Saddam was not present on the date of incident he had been to jail to visit prisoner and on the same date his presence is marked in the visitor pass slip, which has been produced showing the presence on 30.05.2019 at 11.00 am, on the basis of which falsity of the complainant has been established. The applicant No.2 (in M.Cr.C.(A) No.1058 of 2019) had earlier filed an application on 24.05.2019 against Parvez Ali and others to Superintendent of Police, Raipur regarding encroachment made by Parvez Ali on government land and also abusing and assaulting the applicants. Therefore, it is prayed that the applicants may be granted anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that clear case is made out against the applicants regarding which evidence is present, therefore, the applications be rejected.

5. The Objector Mubina Bi is present in person and represented by Mr. Sumit Singh Rathore, Advocate who has opposed the applications stating that she is constantly living in fear because of the activity of these applicants, therefore, it is prayed that the applications be rejected.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. The prosecution case is this that on 30.05.2019 at about 10 AM, the complainant Mubina Bi was present in the spot of construction, when the applicants trespassed her property and then abused, threatened and assaulted the complainant and her daughter-in-law with hands, fists and iron rod causing injuries them. Hence, this case.
8. Considered the submissions made and the contents of the case diary. After considering all the facts and circumstances of the case and for the reason that the applicant – Reshma Bano (in M.Cr.C.(A) No.937/2019 and the applicant Rijwana Bano (in M.Cr.C.(A) No.1058/2019) are women, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to them, however, looking to the evidence and the allegation against the applicants No.2 and 3 (in M.Cr.C.(A) No.1058/2019), this Court is not inclined to extend the benefit of Section 438 of Cr.P.C to the applicants No.2 and 3 (in M.Cr.C.(A) No.1058/2019).
9. Accordingly, the anticipatory bail applications in respect of the applicants Reshma Bano (M.Cr.C.(A) No.937 of 2019) and Rijwana Bano (M.Cr.C.(A) 1058 of 2019) are allowed, however, the bail

application in respect of the applicant No.2 and 3 (in M.Cr.C.(A) No.1058 of 2019) is rejected.

10. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge