

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 960 of 2019

1. Subhash Rateriya And Ors. S/o Late Shri Ram Gopal Rateriya Aged About 53 Years R/o In Front Of Gopi Talkies, Raigarh District Raigarh Chhattisgarh.
2. Subham Rateriya S/o Subhash Rateriya Aged About 25 Years R/o H. No. 76 M.G. Road, Raigarh District Raigarh Chhattisgarh.
3. Naman Rateriya S/o Subhash Rateriya Aged About 22 Years R/o H. No. 76 M.G. Road, Raigarh District Raigarh Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Kotwali, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate.

For Respondent/State : Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/08/2019

1. The applicants have filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 404/2019, registered at Police Station City Kotwali, Distt. Raigarh (C.G.) for the offence punishable under Sections 294, 506, 323, 354, 354(ख), 394 of the IPC.
2. In this case, Appellant No. 1 is the real uncle and Appellant No. 2 & 3 are the real cousins of complainant Priya Agrawal. As per prosecution story, on 27.05.2019, the complainant resident of Raukela (Odisha) along with her sister Chanchal Agrawal reached to her maternal home situated at Raigarh, it is alleged that on the said date there was a dispute of money between the applicants and complainant's father Ashok Rateriya and brother Ashok Rateriya . Meanwhile, Ashok Rateriya and Ashok Rateriya were assaulted by

the applicants and when complainant Priya Agrawal tried to intervene, all the applicants were pulling her and stripping her cloths with intention to outrage her modesty. It is further alleged that a gold chain worth Rs. 1,00,000/- also looted by Applicant Shubham Rateriya. On the basis of said complaint made by complainant Priya Agrawal, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the case. She further submits that a separate complaint has also been lodged by the applicants against complainant Priya Agrawal and others. On the basis of said separate complaint, offence under Sections 294, 506, 323 & 394 of IPC has been registered against them, therefore, on account of counter blast of the case, a false complaint has been lodged against the applicants by the complainant Priya Agrawal. She further submits that since the Appellant No. 1 is the real uncle and Appellant No. 2 & 3 are the real cousins of complainant Priya Agrawal, therefore, allegation regarding outrage modesty of the complainant is not acceptable and suspicious. She lastly submits that all the applicants are reputed persons, therefore, their bail application filed under Section 438 of Cr.P.C. may be allowed.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that there is sufficient evidence available on record against the applicants, therefore, they may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that on account of counter blast of the case, complainant has filed FIR against the applicants, without further commenting on merits of the case. In my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.

25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-
(Arvind Singh Chandel)
Judge