

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 975 of 2019**

1. Priya Rateriya @ Pinky, wife of Shri Ajay Agrawal, aged about 35 years, Occupation House wife, R/o Rauarkela, Orissa.
2. Chanchal Rateriya wife of Shri Badal Rajuka, aged about 31 years, Occupation House wife, R/o village Bisra, District Sundergarh, Orissa

---- Applicants**Versus**

- State of Chhattisgarh - Through : The Station House Officer, Police Station City Kotwali, District Raigarh (C.G.)

---- Respondent

For Applicants. :	Shri Rakesh Pandey, Advocate.
For Respondent. :	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/07/2019**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.405/2019 registered at Police Station City Kotwali, District Raigarh (C.G.) for commission of the offence punishable under Sections 294, 506, 323 and 394 IPC.
2. Case of the prosecution is that on 29.05.2019 at about 12.00 O'clock, when applicants were in the house, their neighbours Subhash Rateriya, Shubham Rateriya and Aman Rateriya committed loot of golden chain and a report thereof was lodged against them in the police station, however, with a view to escape from this, they implicated the present applicants in a false case and an FIR was registered against

them. In fact, the present applicants are aggrieved persons, belong to a reputed family and if they are arrested, their image would be tarnished.

3. Learned counsel for the applicants submits that the present applicants are innocent and falsely implicated in this case. He further submits that the complainant Subhash Rateria has lodged an FIR against the present applicants with an intention to counter blast the case registered against him. He also submits that the applicant No.1 lodged FIR on 29.05.2019 at about 14.16 hrs, whereas the complainant lodged an FIR on 29.05.2019 at about 15.33, which clearly shows that the FIR was lodged against the present applicants after thought. Learned counsel also submits that the applicants are ladies, it cannot be presumed that they would assault a man and commit loot & their matrimonial life would be affected upon their arrest.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular two FIR were lodged against each other and further considering the fact that the applicants are ladies, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.1,00,000/- each with one surety for the like sum to

the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned 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 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.

Sd/-

(Rajani Dubey)
Judge