

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1164 of 2019

Ramkali Tandon, W/o Shri Ranjeet Singh, Aged 48 years, R/o Village Chuiha (Ray) P.S. Balodabazaar District- Balodabzar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Palari, District- Balodabzar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Respondent/State : Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/08/2019

1. The applicant has filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 260/2019, registered at Police Station Palari, Distt. Balodabzar-Bhatapara, Chhattisgarh for the offence punishable under Sections 376, 506, 509 (B), 384, 34 of the IPC.
2. As per prosecution story, co-accused namely Ranjeet Singh Tandan @ Ranjeet Singh Sharma is the husband of present applicant and they were resided in the same premises along with the prosecutrix. On 22.06.2019, prosecutrix herself made a written report in concerned police station alleging therein that in the month of June 2018 at around 10 AM when she was draining her cloths, co-accused Ranjeet Singh Tandan @ Ranjeet Singh Sharma called her in his room and committed forcible sexual intercourse with her and also threatened her to kill his husband and children. It is further alleged that after the said incident occurred, co-accused Ranjeet

Singh Tandan @ Ranjeet Singh Sharma used to meet with the prosecutrix in the absence of her husband and taken photos with her and on the basis of said taken photos, he blackmailed her. Thereafter, she narrated the whole story to her husband and later on, the above said written report was made. Allegation against the applicant is that she was well known about the whole background of the case and the said photos which was taken by the co-accused Ranjeet Singh Tandan @ Ranjeet Singh Sharma along with the prosecutrix was forwarded to her mobile, therefore, she has been implicated in the crime in question.

3. Learned counsel appearing on behalf of the applicant submits that there was an illicit love relationship between the co-accused namely Ranjeet Singh Tandan @ Ranjeet Singh Sharma and the prosecutrix. Allegation against the applicant is only that she was known about the whole background of the case. He further submits that if the entire case of prosecution taken as it is, it seems that the prosecutrix was a consenting party in the alleged Act. *Prima Facie* no case can be made out against the applicant, therefore, her application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail 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 applicant, therefore, she 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, arguments advanced by both the counsel appearing for the parties. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
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 her and she shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge