

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1353 of 2019

1. Sandeep Kumar Sai S/o Shri Basant Prasad Sai Aged About 35 Years R/o Police Line, Baikunthpur, Koriya, District- Koriya, Chhattisgarh, Posted As Constable At Kotwali, Baikunthpur, District- Koriya, Chhattisgarh.
2. Santosh Kumar Sahu S/o Late Nanhuram Sahu Aged About 36 Years R/o Village Sagarpur, Police Station Baikunthpur, District- Koriya, Chhattisgarh, Posted In The Office Of Nagar Sena Karyalaya, Baikunthpur, District- Koriya Chhattisgarh, As A Constable And At The Time Of Incident He Was Posted In The Police Station Baikunthpur, Koriya, Chhattisgarh.
3. Rameshchandra Yadav S/o Haridutt Yadav Aged About 48 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
4. Pooranchand Yadav S/o Haridutt Yadav Aged About 52 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
5. Sandeep Kumar Yadav S/o Puranchand Yadav Aged About 28 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
6. Bhola Shankar Yadav S/o Harihar Yadav Aged About 33 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
7. Ashish Kumar Gupta S/o Late Somaru Ram Aged About 29 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
8. Harihar Yadav S/o Late Shobhai Ram Yadav Aged About 64 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.
9. Ravishankar Yadav S/o Harihar Yadav Aged About 39 Years R/o Village And Post Patrapali, Police Station Baikunthpur, District- Koriya, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ajak Baikunthpur, District- Koriya, Chhattisgarh.

---- Respondent

For Applicants	: Mr. BP Singh, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/12/2019

1. The applicants have filed this 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. 20/2019, registered at Police Station Ajak, Distt. Baikunthpur (C.G.) for the offence punishable under Sections 354, 354(A), 294, 506-B, 323, 452 & 456 of the IPC and Section 3 (1-10) of the SC & ST (Prevention of Atrocities) Act.
2. An application under Section 156 (3) of Cr.P.C. has been moved by the complainant before the learned Special Judge SC & ST (Prevention of Atrocities) Act, Baikunthpur (Koriya), alleging therein that on 23.08.2017 about 4:30 PM, the applicants entered in the house of the complainant, tried to outrage her modesty, abused her and also assaulted her and her family members. On the basis of said, 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 present case. *Prima Facie* no case can be made out against the applicants. He further submits that on 23.08.2017, applicants no. 1 & 2 who are the police constables visited to village Patrapali to inform the complainant and witnesses of crime No. 230/2017 and crime No. 231/2017. Father of the complainant Gulab Khairwar and the other villagers made an unlawful assembly and assaulted the applicant no.

1 & 2 along with the complainant and witnesses of the crime no. 230/2017 & 231/2017 with the deadly weapons. Thereafter, applicants no. 1 & 2 set free from the clutches of those wrongful assembly with the help of other applicants and the villagers and they directly went to the police station and lodged crime which is crime no. 232/2017 on 23.08.2017. On the basis of said, offence under Sections 147, 148, 149, 186, 307, 332 & 353 of the IPC have been registered against the father of the complainant and other persons. Thereafter, to save themselves, they have lodged fabricated complaint on 13.03.2018 through her daughter/complainant. He lastly submits that the applicants are the reputed persons of their society and there is no chance of their absconding. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for 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 and further considering the fact that immediately after the incident applicant no. 1 & 2 lodged a complaint against father and other persons and application under Section 156 (3) of Cr.P.C. has been moved after 6-7 days of the incident. Without further commenting on other 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 applicants shall be released on bail on each of them 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