

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1783 of 2019**

1. Lekhram Sahu, S/o Late Shankar Lal Sahu Aged About 42 Years R/o Vill - Tusma, P.S. Shivrinarayan , Dist. - Janjgir Champa, Chhattisgarh.
2. Smt. Sarita Devi Sahu W/o Lekhram Sahu Aged About 40 Years R/o Vill - Tusma, P.S. Shivrinarayan , Dist. - Janjgir Champa, Chhattisgarh.
3. Ku. Pooja Sahu D/o Lekhram Sahu Aged About 18 Years R/o Vill - Tusma, P.S. Shivrinarayan , Dist. - Janjgir Champa, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through - S.H.O. P.S. Shivrinarayan Dist. - Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravindra Sharma, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****11/12/2019**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 410/2019 registered at Police Station Shivrinarayan, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 294, 506, 323, 452 and 354/34 of I.P.C.
2. As per the prosecution story, on 09.10.2019 prosecutrix/complainant lodged a report alleging therein that on 08.10.2019 when she went to participate in Dashehra Festival, at that time co-accused Samir Sahu used criminal force against her with intent to outrage her modesty.

Thereafter, all the present applicants alongwith co-accused Samir Sahu entered into the house of the complainant and assaulted her. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that, main accused person is Samir Sahu and main allegation relating to offence 354 of I.P.C. is against co-accused Samir Sahu. *Prima facie*, no case of offence under Section 354/34 of I.P.C. is made out against present applicants. He further submits that entire story narrated by the complainant is suspicious. Therefore, it is prayed that applicants may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that main accused person is co-accused Samir Sahu, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on

each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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