

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1905 of 2019**

- Sawan Gupta S/o Shri Santosh Gupta Aged About 29 Years R/o Ramanuj Ward, Brahma Para, Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent**AND****MCRCA No. 1906 of 2019**

- Durga Dutt Tripathi S/o Shri Anirudh Prasad Tripathi Aged About 38 Years R/o Near Panchdev Temple, Namna Kala, Nagar Ambikapur, Police Station Kotwali, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagr, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	: Shri Shubham Verma and Ajay Kumrani, Advocates.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/12/2019**

Heard.

1. Since both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The Applicants are apprehending their arrest in connection with Crime

No. 69/2018 registered at Police Station Gandhinagar, Ambikapur, District – Surguja, (C.G.). for the offence punishable under Sections 457, 354, 509, 427 and 34 of IPC.

3. As per the prosecution story, on 02.04.2018 a written complaint has been made by one Pramila Rai i.e. mother of the prosecutrix alleging therein that on 31.03.2018 around 7:00 p.m. when her daughter was alone in her house, allegedly, present applicants entered into her house, abused her in filthy language, assaulted her, tried to outrage her modesty and threatened her to evacuate the house. On the basis of the said, offence has been registered.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute. It is further submitted that the land in which the house of the complainant and prosecutrix was made, belonged to the father of the applicant Sawan Gupta (MCRCA No. 1905/2019). Complainant and prosecutrix were living illegally in that house. When applicants tried to evacuate the house, then dispute arose between both the parties. It is further submitted that a false allegation against applicants was made that applicants entered the house of the complainant and caught hold the hand of the prosecutrix. Incident occurred on 31.03.2018 and a false and fabricated F.I.R. has been lodged on 02.04.2018 by the complainant. *Prima facie*, no offence can be made out against applicants. Thus, it is prayed that, present applicants may be extended the benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, evidence collected by the prosecution and further considering the statement of witnesses Ashish and Santosh Jaiswal recorded under Section 161 of Cr.P.C., without further commenting on other

merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail applications are allowed.
9. 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 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