

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 33 of 2019**

1. Satnam Kaur Saluja, W/o. Surjeet Singh Saluja, Aged About 40 Years,
 2. Satpal Singh Saluja, S/o. Surjeet Singh Saluja, Aged About 25 Years,
- Both R/o. Seema Nagar, Kashiram Nagar, Police Station-Telibandha, Tahsil and District- Raipur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-Atrocities, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. L.K. Mishra, Advocate

For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/02/2019**

1. Apprehending arrest in connection with Crime No.09/2015, registered at Police Station – Special Atrocities Police Station, Raipur, District – Raipur (C.G.) for offence punishable under Section 354, 294, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. The fact is this that the complainant Dhaneshwari Markande had come to the house of the applicants and had attempted to commit the offence of extortion by putting the applicants under threat. The applicants have closed the doors of

the house and called the police and on arrival of the police, the complainant and others had left the place. Later on the applicants had filed a written complaint before the police station, which was received on 28.05.2015 and after enquiry on the same, FIR has been registered against the complainant and others on 29.01.2015. The complainant Dhaneshwari Markande has after passing of more than one and half months, filed a complaint on 04.07.2015 on the basis of which, the FIR has been lodged against the applicants on 05.07.2015, which is totally concocted. The investigation in this case has been kept pending so far only for the reason that these applicants have filed complaint against DSP, AJAK. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the written complaint and the FIR lodged against the applicants there is clear evidence that these applicants had abused the complainant and then had outraged her modesty. Therefore, the applicants may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering on the documents produced along with the application, the fact that the applicants themselves have filed complaint against the complainant and others on the basis of which the FIR has been lodged and further for the reason that no explanation has been given by the complainant regarding delay in

lodging the FIR, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the 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 so 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge