

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1721 of 2018

1. Sitaram Chauhan S/o Bhogilal Chauhan Aged About 40 Years , District : Raigarh, Chhattisgarh
2. Subham Sahu S/o Late Ramlal Sahu Aged About 55 Years R/o Village Jampali, Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Naresh Sahu S/o Late Udit Ram Sahu Aged About 38 Years R/o Village Jampali, Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Dinesh Sahu S/o Subhash Sahu Aged About 35 Years R/o Village Jampali, Police Station Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Sariya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicants : Ms. Sharmila Singhai with Mr. Abhishek Saraf,
Advocates.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.252/2018 registered at Police Station-Sariya, District –

Raigarh(C.G.), for the offence punishable under Sections 354/ 34 of the IPC.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Victim has lodged a totally false FIR against this applicant on account of a petty dispute between them after a delay of almost more than 10 days, whereas the applicant themselves had filed a complaint against the victim on the same date of incident i.e. 18.10.2018 to the police-station-Sariya alleging, that the victim had threatened the applicants to implicate them in false case of rape etc., therefore, it is prayed that applicants be enlarged on anticipatory bail.
3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that undated written report filed by the victim on which basis FIR has been lodged and the allegation against the applicants is of serious nature, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The case of prosecution is this, that on the date of incident all these applicants outraged the modesty of the victim by using force on her and tearing away her blouse. Hence, this case.
6. Considered on all the material present in the case diary, the complaint filed by the applicants on the same date of incident is a part of the charge-sheet and, further, this has to be noticed that the FIR lodged in this case is delayed by more than 10 days, hence, under these circumstances, I feel inclined to grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge