

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 128 of 2020

1. Ambikeshwar Singh @ Ambika Singh S/o Late Awadh Bihari Singh Aged About 59 Years Cast- Kushwaha, Resident Of Sonamani, Police Station- Chirimiri, Tehsil- Khadgawan, District- Koriya, Chhattisgarh
2. Ku. Injoriya D/o Shri Ramprasad Aged About 23 Years (Mention As Anjoriya In Order) Caste- Chamar, Resident Of Village- Pondidih, Police Station And Tehsil- Khadgawan, District- Koriya Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Ajk, Baikunthpur, District- Koriya Chhattisgarh

---- Respondent

For Applicants	: Mr. Pawan Shrivastava, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/02/2020

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. 31/2019, registered at Police Station AJK, Baikunthpur, Distt. Koriya (C.G.) for the offence punishable under Section 294, 506, 323, 354, 455, 354 (B), 34 of the IPC and Section 8 of POCSO and 3(2)(Va) of SC/ST (Prevention of Atrocities) Act.
2. After arguing at length, learned Counsel for the applicants submits that he wants to withdraw the bail application with regard to applicant No. 1 Ambikeshwar Singh @ Ambika Singh. However, he seeks liberty that in the event of filing of bail application under Section 439 of Cr.P.C. on behalf of applicant no. 1 Ambikeshwar Singh @ Ambika Singh, the Trial Court may be directed to decide the said application as early as possible.
3. In view of the above submission, the instant bail application is

dismissed as withdrawn with regard to applicant no. 1 Ambikeshwar Singh @ Ambika Singh with the aforesaid liberty.

4. As per prosecution story, earlier the complainant Deokumar lodged an FIR against the applicants for commission of rape and abortion of her grand daughter upon which a criminal case has been registered and pending before Trial Court. It is alleged that applicant Ambikeshwar Singh @ Ambika Singh regularly threaten and pressurized the complainant for compromise in the said matter. On 18.10.2019 at about 8:00 PM, the applicants entered into the house of complainant and told her grand daughters to come Bilaspur (C.G.) immediately and when they denied, the applicants used filthy language with the grand daughters of the complainant in spite of knowing this fact that the complainant's family belongs to Schedule Tribe and also tried to pull the grand daughters of the complainant from their house to come along with them. On the basis of said background, offence has been registered.
5. Learned Counsel for applicant no. 2 submits that applicant no. 2 is innocent and has been falsely implicated in the present case due to some previous dispute with the complainant and his family members. Earlier also, the complainant lodged a false case against the applicants for rape and abortion of his grand daughter and on that case, the applicants have granted benefit of regular bail by this Court vide order dated 03.10.2019, thereafter, the complainant any how wants to arrest of the applicants and sent them to jail, this is the only reason, the false and fabricated report has been lodged by the complainant. The Counsel further submits that applicant no. 2 is a lady and no specific allegations have been made against her regarding atrocities. Since, she is a lady, therefore, no offence under Sections 354 & 354 (B) can be made out against her. Hence, it is prayed that the applicant no. 2 may be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for both the parties.

8. 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 facts that applicant no. 2 is a lady and no specific allegations have been made against her. Without further commenting on other merits of the case, I am inclined to grant anticipatory bail to applicant no. 2.
9. Accordingly, the anticipatory bail application is allowed with regard to applicant no. 2.
10. It is directed that in the event of arrest, the applicant no. 2 shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
- I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge