

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 607 of 2020**

Tek Singh S/o Bandhu Singh, aged about 66 years R/o Village Dhardei, P.S. Sheorinarayan, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sheorinarayan, District Janjgir-Champa (C.G.).

---- Respondent

AND

MCRCA No. 794 of 2020

Sourabh Gupta (Delinquent Child) S/o Ramesh Gupta, aged about 17 years Through natural guardian of his father Ramesh Gupta S/o Bhagwat Gupta, aged about 39 years, R/o Village Rahouda, Police Station Shivrinarayan, District Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate Janjgir, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant in MCRCA No. 607/2020:	Mr. Sumit Singh, Advocate
For Applicant in MCRCA No. 794/2020:	Mr. Vikas Pandey, Advocate
For Respondent :	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/08/2020

1. These matters are heard through video conferencing.
2. Since both the cases relate to same crime number, therefore, they are being decided by this common order.

3. The applicants have filed these applications under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 87/2020 registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 323, 354-A, 147, 148 & 149 of the Indian Penal Code and Section 8 of the POCSO Act.
4. There are total 6 accused persons in the present crime. According to the case of the prosecution on 21/03/2020 at about 6:30 pm, son of the Complainant was playing cricket and the ball went into the house of the applicants, on which the applicants and the complainant started quarreling. It is alleged that the applicants tried to outrage the modesty of the Complainant as well as her daughter. On 22/03/2020, an FIR has been lodged by the Complainant. On the basis of said, offence has been registered.
5. Learned counsel appearing on behalf of the respective applicants submit that the applicants are innocent and they have been falsely implicated in the present case. Virtually, the Complainant entered into the house of the applicants and assaulted them. A counter FIR was also lodged by the applicants, on which an offence has been registered against the Complainant also. They further submit that other four co-accused persons have already been granted benefit of anticipatory bail by the Sessions Court, therefore, considering this fact the applicants may also be extended benefit of anticipatory bail.
6. Learned counsel appearing on behalf of the State opposes the said applications.
7. I have heard counsel for the parties.

8. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the facts that on the same set of facts other four co-accused persons have already been granted benefit of anticipatory bail by the Sessions Court and further considering that a counter FIR was also lodged against the Complainant by the applicant, without further commenting on other merit of the cases, I am inclined to give benefit of anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer and if their specimen signature would be required they will submit their specimen signature as and when required;
 - ii. The accused/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. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge