

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 725 of 2020

1. Vishnu Prasad Sahu S/o Late Narayan Sahu Aged About 53 Years Resident Of Village Khairtala Thana Bhatapara Rural District Balodabajar Bhatapara Chhattisgarh.
2. Dipesh Sahu S/o Vishnu Prasad Sahu Aged About 31 Years Resident Of Village Khairtala Thana Bhatapara Rural District Balodabazar Bhatapara Chhattisgarh.
3. Nilesh Sahu S/o Vishnu Prasad Sahu Aged About 25 Years Resident Of Village Khairtala Thana Bhatapara Rural District Balodabazar Bhatapara Chhattisgarh.
4. Amit Kumar Sahu S/o Krishna Kumar Sahu Aged About 37 Years Resident Of Village Khairtala Thana Bhatapara Rural District Balodabazar Bhatapara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Thana Bhatapara Rural District
Balodabajar Bhatapara Chhattisgarh.

---- Respondent

For Applicants : Mr. Ajit Singh, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/08/2020

1. The matter is heard through video conferencing.
2. 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. 88/2020, registered at Police Station Bhatapara Rural District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 294, 506, 323, 354, 456 & 34 of the IPC.
3. Learned Counsel for the applicants submits that during pendency of the

instant application, applicant no. 4 Amit Kumar Sahu has died, therefore, he does not want to press the instant application with regard to applicant no. 4 Amit Kumar Sahu.

4. In view of the above submission, the instant application is dismissed as not pressed with regard to applicant no. 4 namely Amit Kumar Sahu.
5. According to the case of prosecution, on 27.02.2020, report has been lodged by the complainant alleging therein that on 24.02.2020 at about 4:30 PM the applicants along with other co-accused persons came to her house, used filthy language with her, assaulted her and caught hold her daughters' hands with intention to outrage their modesty. On the basis of said report, offence has been registered.
6. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some previous enmity between the complainant and her family members. He further submits that virtually on the date of incident i.e. 24.02.2020, there was a dispute taken place between the parties and the applicants have lodged FIR against the complainant party on 24.02.2020 itself and on the basis of said report offence under Sections 323 & 427 have been registered against the complainant party and after three days of the incident, the complainant party have lodged a false and fabricated report against the applicants. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
7. Per contra, learned counsel appearing on behalf of State opposes the bail application.
8. I have heard learned Counsel for both the parties.
9. 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 fact that firstly FIR has been lodged by the applicants against the complainant party and after three days, the complainant party have lodged FIR against the applicants. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
10. Accordingly, the anticipatory bail application is allowed.
11. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one

solvent surety 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 accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer 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.

Sd/-

(Arvind Singh Chandel)
Judge