

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 723 of 2020**

- Sanjay Baghel S/o Late Shri Nammu Lal Baghel Aged About 54 Years R/o Gole Chowk Rohinipuram Raipur, Tahsil And District- Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station D.D. Nagar Raipur, District- Raipur, Chhattisgarh.

**---- Respondent**

**AND**

**MCRCA No. 767 of 2020**

1. Kishor Bais, S/o Late T.K. Bais Aged About 60 Years R/o Plot No. 370, Main Road, Sunder Nagar, Raipur, District Raipur, Chhattisgarh.
2. Manju Bais W/o Kishor Bais Aged About 56 Years R/o Plot No. 370, Main Road, Sunder Nagar, Raipur District Raipur Chhattisgarh.
3. Shuchita Bais D/o Kishor Bais Aged About 26 Years Occupation - Advocate, Enrollment No. 654/2007, R/o 104, Block B, Galaxy Apartment, Uslapur, Bilaspur District Bilaspur Chhattisgarh.

**---- Applicants**

**Versus**

- The State Of Chhattisgarh Through S.H.O. Police Station D D Nagar, Raipur, District Raipur, Chhattisgarh.

**---- Respondent**

**AND**

**MCRCA No. 768 of 2020**

- Prerit Bais S/o Kishor Bais Aged About 31 Years R/o Plot No. 370, Main Road, Sunder Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

**Versus**

- The State Of Chhattisgarh Through S.H.O. Police Station D.D. Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

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|----------------------------------------------------------|---------------------------------|
| For Applicant (MCRCA No. 723/2020)                       | :Shri T.K. Jha, Advocate.       |
| For Applicants (MCRCA No. 767/2020 & MCRCA No. 768/2020) | : Shri A.K. Prasad, Advocate.   |
| For Objector                                             | : Shri Anurag Singh, Advocate.  |
| For Respondent/State                                     | : Shri Sunil Otwani, Addl. A.G. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**20/07/2020**

1. As the above cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants are apprehending their arrest in connection with Crime No. 183/2020 registered at Police Station D.D. Nagar, Raipur, District Raipur, (C.G.) for the offence punishable under Sections 376(2)(f), 376(f), 498-A, 506, 34 of Indian Penal Code.
3. As per the prosecution story, applicant (in MCRCA No. 723/2020) is the uncle-in-law (*chacha sasur*), applicant Nos. 1, 2 & 3 (in MCRCA No. 767/2020) are the father-in-law, mother-in-law and sister-in-law (*nanad*) of the complainant/prosecutrix respectively. Applicant (in MCRCA No. 768/2020) is the husband of the complainant. Marriage

between applicant Prerit Bais and complainant/prosecutrix was solemnized on 6.12.2014. On 6.6.2020 an F.I.R. was lodged by the prosecutrix/complainant alleging that after marriage, applicants (in MCRCA Nos. 767/2020 & 768/2020) used to harass and torture her continuously on account of demand of dowry. Applicant (in MCRCA No. 723/2020) used to visit the house of the prosecutrix. It is alleged that he developed physical relationship with prosecutrix. When prosecutrix told about the alleged incident to her family members, then they ignored her. Allegedly, on 11.3.2020, when prosecutrix was alone in her house, at that time, applicant Sanjay Baghel entered in the house and committed forcible sexual intercourse with her. Other applicants made video shooting of the alleged act and they all threatened her that they would viral her video and thereafter, pressurized her. On 11.3.2020 itself, they expelled her out of the house. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicants submit that applicants are innocent and have been falsely implicated in the present case. Counsel appearing for applicant in MCRCA No. 723/2020 submits that *prima facie*, no case is made out against him. If the entire case is taken as it is, maximum offence under Section 497 of I.P.C. is made out. This applicant is falsely implicated due to political rivalry. It is further submitted that incident occurred on 11.3.2020 and F.I.R. was lodged after three months of the alleged incident. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. and she has also made affidavit wherein she has not stated anything against this applicant. Counsel appearing for applicants (in MCRCA No.

767/2020 & MCRCA No. 768/2020) submits that in the house of the applicants, CCTV camera was installed in which the footage of alleged incident was captured where the prosecutrix was found in the compromising position. When this fact was disclosed to the prosecutrix, then she herself left her house and thereafter, she lodged a false and fabricated report against applicants. Entire allegations regarding torture and demand of dowry seems to be unnatural and not reliable. Therefore, learned Counsels appearing for applicants prays that applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that matter was reported after three months of the alleged act, prosecutrix/complainant in her statement recorded under Section 164 of Cr.P.C. has not stated anything against applicant (in MCRCA No. 723/2020), therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection

with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**