

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 846 of 2020

1. Raghunath Singh S/o Ramavtar Singh Aged About 62 Years R/o Village- Ratanga, P.S.- Charcha, District- Koriya, Chhattisgarh
2. Dushyant Singh S/o Raghunath Singh Aged About 32 Years R/o Village- Ratanga, P.S.- Charcha, District- Koriya, Chhattisgarh
3. Deepak Singh S/o Raghunath Singh Aged About 28 Years R/o Village- Ratanga, P.S.- Charcha, District- Koriya, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through S.H.O., Police Station- Charcha,
District Koriya, Chhattisgarh

---- Respondent

For Applicants	: Mr. Pushkar Sinha, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Ram Sajiwan, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02.09.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First 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.74/2020, registered at Police Station: Charcha, District: Koriya (C.G.) for the offence punishable under Section 354, 323, 307, 498 (A) & 34 of IPC.
3. Counsel for the Applicants submits that Applicant No.3 has already been arrested, therefore, now he doesn't want to press this instant anticipatory bail application with regard to Applicant No.3 namely Deepak Singh.
4. Accordingly, this instant anticipatory bail application is dismissed as having become infructuous with regard to Applicant No.3 namely Deepak Singh.

5. In this case the Applicant No.1 is the Father-in-law and Applicant No.2 is the husband of the complainant namely Smt. Preeti Singh. Marriage of the complainant with the Applicant No.2 solemnized in the year 2013. As per prosecution story, on 05.06.2020, report was submitted by the complainant alleging therein that after her marriage, the Applicants started to ill-treat her on account of demand of dowry of Rs.2 Lakhs along with Motor Cycle and ill-treated her with cruelty. Prior to the one week of incident, the Applicants thrown her out from their house, then she was residing in her paternal house i.e. *Maika*. It is further alleged that on 05.06.2020, she went to the house of the Applicants to collect her items. Allegedly, at that time, the present Applicants abused the complainant as well as her brother. The Applicant No.3 also tried to out-rage the modesty of the complainant. It is further alleged that the Applicants also tried to commit murder of the complainant by pouring Kerosene on her. This incident was witnessed by one Rajesh Kumar. On the basis of said, offence has been registered.
6. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that six months prior to the incident, the prosecutrix/complainant developed some illicit relationship therefore, since then, she was residing in her paternal house. On the date of incident, she came to the house of the present Applicants along with her brother and both of them assaulted the family members of the Applicants due which the present Applicant sustained injuries and immediately after the incident, the Applicants reported the matter and on the basis of the report, FIR has been registered against the complainant and her brother. Thereafter, to save herself false and fabricated report has been lodged by the complainant therefore, he prays for grant of anticipatory bail to the Applicant.
7. Per contra, learned counsel appearing on behalf of State as well as for the Objector opposes the bail application.
8. I have heard learned Counsel for the parties.

9. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after perusing the contents of FIR and further considering the fact that, firstly, report has been lodged by the Applicants against the complainant and her brother, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant No.1 & 2.

10. Accordingly, the anticipatory bail application is allowed with regard to Applicant No.1 & 2 namely Raghunath Singh & Dushyant Singh respectively.

11. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one 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 the 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