

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 245 of 2021**

1. Sundarlal S/o Shri Dhansingh Sahu, Aged about 48 years
 2. Khilawan Sahu S/o Shri Dhansingh Sahu, aged about 40 years
 3. Devendra Sahu S/o Shri Sundarlal Sahu, aged about 23 years
 4. Santoshi Sahu W/o Shri Sundarlal Sahu, aged about 45 years
 5. Smt. Rajim Sahu W/o Shri Khilawan Sahu, aged about 36 years
- All R/o Gram-Sargaon, Police Station- Sargaon, Tahsil Pathariya,
District Mungeli, Chhattisgarh

-----Applicants

VERSUS

- State of Chhattisgarh through: officer in charge, Police Station
Sargaon, District Mungeli, Chhattisgarh

-----Non-applicant

For Applicants	: Ms. Diksha Gouraha, Advocate
For Non-applicant- State	: Mr. Shrikant Kauhik, P.L.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****04/08/2021**

1. Learned counsel for the applicants submits that she is not pressing the application with respect to applicant no. 1/ Sundarlal. Learned counsel also submits that she may be permitted to withdraw the bail application with respect to applicant no. 5/ Rajim Sahu, as she has been enlarged on bail by the Court below in proceedings under Section 437 CrPC. She submits that the application for getting certified copy has been moved but the certified copy of the order could not be received by her till date. Learned counsel seeks permission of this Court to withdraw application with respect to applicant no. 1/ Sundarlal and applicant no. 5/ Smt. Rajim Sahu.
2. In view of the above, application with respect to applicant no. 1/

Sundarlal and applicant no. 5/ Smt. Rajim Sahu is dismissed as withdrawn.

3. Heard on application for anticipatory bail of applicant no. 2, 3 & 4.
4. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 06/2021 registered at Police Station Sargaon, District Mungeli (C.G.) for the offence punishable under Sections 147, 294, 534, 452, 506 of IPC.
5. Case of the prosecution, in brief– on 15.01.2021, complainant has submitted a written report in the police station mentioning therein that on 01.07.2020, at around 02:00 p.m., applicants along with other co-accused persons suddenly entered into the go-down of their sawmill and started causing damage to the articles kept therein. When her sons Yogesh and Ravindra restrained the accused persons damaging the articles, they started abusing them in filthy language and also threatened to kill. The incident was informed by Yogesh to complainant upon which she rushed to go-down of sawmill. Co-accused Dhansingh, Bodhram Sahu and Khilawan with ill-intention have pulled off her saree. Accused Khilawan gave leg blow on her private part. All the accused persons tried to strangle her with intent to kill. Somehow, her son intervened and accused persons fled away from the spot. The incident was recorded in the CCTV camera installed in the sawmill premises. Based on the written complaint, F.I.R. was registered on 16.01.2021 for the aforementioned offence against the present applicants along with other co-accused persons.
6. Ms. Diksha Gouraha, learned counsel for the applicants submits that the allegation levelled against the present applicants is baseless and false. Complainant and the applicants' family belong to branches of

same tree and there is a family dispute between complainant and her family members over sawmill and other properties. She submits that from the content of F.I.R., it is apparent that the incident is allegedly taken place on 01.07.2020 but the complaint has been lodged with inordinate delay only on 15.01.2021, this itself shows that the story narrated in the complainant is concocted one. Due to property dispute, false and baseless allegation has been levelled against the applicants and co-accused persons. She further submitted that other co-accused by name Dhaneshwar Sahu were enlarged on bail under Section 438 of CrPC in MCRC(A) No. 343/2021, hence applicants may be entitled to get benefit of anticipatory bail under Section 438 of CrPC.

7. On the other hand, Mr. Shrikant Kaushik, learned State Counsel, opposing the submissions made by learned counsel for the applicants submits that the allegations levelled against the present applicants along with co-accused are serious in nature. Applicants along with others forcefully entered into the sawmill and have damaged the articles/ property kept therein. He further submits that there is allegation of misbehaving and assault to the complainant on her private part and making attempt of outraging her modesty. He submits that the incident was also recorded in CCTV camera and the display panchnama of the footage has been prepared by the police. Upon putting specific query with regard to contents of panchnama of footage, he read-over the panchnama in which name of Sundarlal and Dhansingh is mentioned. He further pointed out that another criminal case is pending against the family members of the applicants for offence under Section 147, 506 and 323 IPC before the Jurisdictional Magistrate.

8. I have heard learned counsel for the respective parties.
9. Taking into consideration the nature of allegation, the fact that the complaint with regard to incident which was taken place on 01.07.2020 has been made only on 15.01.2021. In display panchnama of CCTV footage seized by police, name of present applicants is not specifically mentioned, I am of the view that the present is a fit case to enlarge applicants 2, 3 & 4 on anticipatory bail.
10. Accordingly, application is allowed with respect to applicant no. 2, 3 & 4. It is directed that in the event of arrest of applicants no. 2, 3 & 4 in connection with the crime in question (06/2021), they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:
 - (i) that the applicants shall make themselves available for interrogation before the Investigation Officer as and when required;
 - (ii) that the 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that 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/-
(Parth Prateem Sahu)
 Judge