

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 343 of 2021

1. Dhansingh Sahu s/o Shri Late Loknath Sahu, aged about 80 years.
2. Bodhram Sahu S/o Shri Dhansingh Sahu, aged about 38 years
3. Dhaneshwari Sahu, W/o Shri Bodhram Sahu, aged about 35 years.
4. Gandhi Ram Sahu, S/o Shri Dhansingh Sahu, aged about 60 years

All R/o Gram - Sargaon, Police Station - Sargaon, Tehsil - Pathariya, District - Mungeli (CG)

---- Applicants

Versus

- State Of Chhattisgarh, Through Officer In-Charge, Police Station - Sargaon, District - Mungeli (CG)

---- Non-applicant

For Applicant	:	Mr. Ashutosh Mishra, Advocate
For Non-applicant	:	Mr. BP Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

8.7.2021

1. Mr. Ashutosh Mishra, learned counsel submits that during the pendency of this application, applicant No.1 & 2 have been arrested by the police, whereas applicant No.4 has died.
2. In view of above, bail application of applicant Nos.1, 2 & 4 is dismissed as having become infructuous.
3. This is first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to **applicant Dhaneshwari Sahu**, who is apprehending her arrest in connection with Crime No.6/2021 registered at Police Station Sargaon, District Mungeli (CG) for commission of offence punishable under Sections 147, 294, 354, 452, 506 of the IPC.

4. The prosecution story, in brief, is that on 15.1.2021 the complainant has submitted written complaint in the police station mentioning therein that on 1.7.2020 at about 2:00 p.m. accused Dhansingh Sahu, Bodhram Sahu, Khilawan Sahu, Gandhi Sahu, Sundar Sahu, Devendra Sahu, Santoshi Sahu, Rajim Sahu, Geet Sahu and Dhaneshwari Sahu (present applicant) suddenly entered in the go-down of her saw-mill and started causing damage to the articles kept there. When Yogesh & Ravindra, sons of complainant, asked the accused persons not to cause damage to the articles, they started abusing them in filthy language and also gave threat. Accused Dhansingh, Bodhram Sahu & Khilawan with ill intention have pulled off her saree. Accused Khilawan gave leg blow on her private part. All the accused persons tried to strangulate her with intent to kill her. When her son came to intervene, the accused persons fled from there. Incident was recorded in the CCTV. Based on the written complaint dated 15.1.2021, FIR was registered on 25.1.2021 for the aforementioned offences against applicant No.3 and other accused persons.
5. Mr. Ashutosh Mishra, learned counsel for applicant Dhaneshwari Bai would submit that allegations levelled against present applicant are baseless and she has been falsely implicated in crime in question due to previous enmity. He further submits that there is inordinate delay in lodging report of the incident which occurred on 1.7.2020, this fact itself shows that the story narrated in the complaint is not trustworthy. Due to enmity and family dispute, false allegations have been made against

present applicant. Hence, the applicant may be extended benefit of anticipatory bail under Section 438 of CrPC.

6. Mr. BP Banjare, learned Deputy Government Advocate for the State opposes the submissions made by the learned counsel for the applicant and submits that allegations levelled against present applicant are of very serious nature. Present applicant along with other accused persons forcibly entered in the go-down of complainant and caused damage to the articles kept there. They have pulled off saree of complainant and also touched her breasts with bad intention. He read over the panchnama of display of CCTV footages prepared in presence of two witnesses namely Vinod Sahu & Salikram. On a specific query being put by this Court to learned State Counsel as to whether the CCTV footages show involvement of present applicant in the incident in question, he submitted that name of present applicant does not find place in the panchnama of CCTV footages. He further submits that another criminal case on the report of complainant Indira Sahu is registered against the family members of present applicant, which is pending consideration. Hence, applicant Dhaneshwari Sahu is not entitled for grant of anticipatory bail.
7. I have heard learned counsel for the parties.
8. Taking into consideration the nature of allegations, the fact that complaint of the incident which allegedly took place on 1.7.2020 is made only on 15.1.2021; display panchnama of CCTV footages seized by the police in presence of two witnesses do not show presence of applicant on the spot, I am of the view that

present is fit case where the applicant should be extended benefit of anticipatory bail.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of **applicant Dhaneshwari Sahu wife of Bodhram Sahu** in connection with the crime in question, she shall be released on anticipatory bail by the officer arresting her on her 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. Applicant Dhaneshwari Bai shall also abide by the following conditions :

- (i) that she shall make herself available for interrogation before the Investigating Officer as and when required;
- (ii) that she 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 she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-