

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 514 of 2021

1. Jagarnath Singh S/o Sabrin Sai Aged About 25 Years,
2. Duryodhan Singh S/o Sabrin Sai Aged About 20 Years,

Both are by Caste Gond, R/o Godhikala, Bhudupara, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Police Of Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Respondent

For applicants – Smt. Mandavi Bhardwaj, Advocate.
For Respondent/State –Shri Aditya Bharadwaj, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

06/08/2021

1. This application under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.46/2021 registered at Police Station Patthalgaon, District Jashpur (C.G.) for offence punishable under Sections 354, 323, 324 read with Section 34 of IPC.

2. As per the prosecution case, the complainant's elder sister was married to Jagarnath two years back, thereafter there has been some differences and when the complainant went alongwith her sister and father to get back the property of dowry, the complainant was called in the house and thereafter the applicants tried to outrage the modesty and scratch was made over the thigh, when she screamed for help her father came he was attacked on his buttock and assaulted by a knife.

3. Learned counsel for the applicants submits that the incident happened for the reason that the complainant and her sister forcefully entered into the house to take back the property and the applicants have never objected only asked them to come with some elderly person to take back the property. It is further submitted that in the year 2019 similar like nature of complaint was

made by the sister of the complainant at Jashpur but she herself has not reverted back, therefore that complaint was dropped, therefore the applicants have been falsely implicated in the case and they may be granted benefit of anticipatory bail.

4. Per contra, learned State counsel read out the statement of the complainant and the medical report.

5. The medical report shows scratch mark on the thigh and injury mark of knife 1x1 cm at the buttock of the father of the complainant. Taking into such medical report, I am of the opinion that it is not a case where benefit of section 438 of Cr.P.C. can be extended to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE