

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 724 of 2021

- Sudama Prasad Sahu, son of Shyamlal Sahu, aged about 45 years, Caste Teli, R/o Chinddand Baikunthpur, Tehsil and Police Station Baikunthpur, District Koriya (CG)

---- Applicant

Versus

- State of Chhattisgarh Through SHO, P.S. Baikunthpur, District Koriya (CG)

---- Non-applicant

For Applicant	:	Mr. Vijay Kumar Sahu, Advocate
For Non-applicant	:	Mr. V. Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

13/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.105/2021 registered at Police Station Baikunthpur, District Koriya for commission of offence punishable under Sections 354 & 323 of the Indian Penal Code.
2. The prosecution story, in brief, is that on 9.5.2021 at about 10.00 a.m. in the morning when the complainant was plucking jack-fruit near her house, present applicant came there, caught hold of her hands, asked her for bad work and on her refusal, dragged her and pulled her down. The complainant raised alarm and also assaulted present applicant by a piece of brick lying there. When the villagers came on the spot, the applicant fled from there. Based on the complaint lodged by complainant, instant crime is registered against present applicant.

3. Mr. Vijay Kumar Sahu, learned counsel for applicant submits that the complainant is relative of present applicant and there is some previous dispute between them. He submits that due to enmity, earlier also on 6.8.2020 the complainant got registered an offence against present applicant by levelling similar allegation and in respect of which present applicant has been granted regular bail. He submits that on the alleged date of incident, some dispute took place between the complainant and the applicant upon which present applicant lodged report in the concerned police station on 9.5.2021 and after lodgement of report against the complainant and her family members, instant FIR was lodged by complainant on 10.5.2021 at 6.25 p.m., which *prima facie* shows that complaint against present applicant has been lodged with ulterior motive only to implicate him in a false case. He further submits that incident of simple quarrel has been given colour of Section 354 of IPC by the complainant by adding false allegation that present applicant has tried to outrage her modesty. He further submits that marriage of applicant's daughter was to be solemnized on 14.6.2021, but due to registration of false and frivolous case against present applicant at the instance of complainant, the marriage of applicant's daughter has been postponed. In support of aforesaid submission, marriage card of applicant's daughter is filed as Annexure A-2 along with this application.
4. Mr. Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for the applicant and submits that the complainant has made very specific allegations with regard to the incident. He further submits that one Kuber Sahu, a resident of village, has made submission that he saw that some dispute is going on between the complainant & present applicant and when family members of complainant reached the spot, the applicant ran away.
5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations levelled against present applicant; the fact that earlier also similar nature of allegation was levelled against present applicant by complainant on 6.8.2020, as is appearing from the documents supplied on 26.6.2021 under the Right to Information Act, 2005 to Ajay Sahu, and further considering the fact that prior to registration of instant crime i.e. on 9.5.2021, present applicant has lodged complaint with the concerned police station against the complainant and her family members by name Suresh Sahu & Vijay Sahu, without commenting anything on merits of the case, I am of the view that present is a fit case where applicant should be granted anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that he shall make himself available for interrogation before the Investigating Officer as & when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-