

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1159 of 2021**

1. Vasudev (Dismissed as having become infructuous)
2. Sushil Ekka S/o Shri Vasudev, Aged About 24 Years, Caste Uraon, R/o Village and Post Hoirwapara, Thana Patthalgaon, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh.

---- Non-applicant

 For Applicant No.2 : Mr. Sunil Sahu, Advocate

For Non-applicant/State : Ms. Anjali Singh Chauhan, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****30.09.2021**

1. Applicant No.2-Sushil Ekka has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.185 of 2021, registered at Police Station Patthalgaon, District Jashpur (C.G.), for offence punishable under Sections 294, 232, 354, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 22.08.2021 when complainant along with Yuvraj and Ravi Gupta went to the house of applicant No.2 asking that why Vasudev, father of the applicant No.2 has provided Ganja to son of complainant, by name, Santosh, upon which, applicant No.2 and family members became aggressive. Vasudev assaulted by means of club upon Yuvraj and

further torn blouse of complainant and tried to outrage her modesty. Incident was reported to concerned Police Station, based upon which, First Information Report was registered against applicant No.2 on 24.08.2021 for aforementioned offences.

3. Mr. Sunil Sahu, learned counsel for the applicant No.2 would submit that mother of applicant No.2 has lodged report on 23.08.2021, prior to the instant crime, making allegation that about 7 persons came to their house stating as to why they were permitting Shyam Gupta to consume Ganja near their shop and started abusing and also assaulting them. Based on the report, crime bearing No.182 was registered against those 7 persons for offence under Sections 149, 294, 323, 427, 452 and 506 of the IPC. From the report lodged by mother of applicant No.2, it is evident that at the time of incident, which took place in the house of applicant No.2, complainant was not present. The allegation in crime No.185/2021 is made by complainant as a counter blast against the applicant No.2 and his family members. He submits that even otherwise in First Information Report, there is no allegation against the applicant No.2 of making an attempt to outrage the modesty of complainant, hence, applicant No.2 may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chauhan, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant No.2, would submit that specific allegations have been levelled against all accused persons that

when complainant along with Yuvraj and Ravi Kumar Gupta went to the house of applicant No.2, all of them abused and assaulted them, hence, applicant No.2 is not entitled for the benefit under Section 438 of Cr.P.C..

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, mother of applicant No.2 lodged report on 23.08.2021 of the incident, which took place on 22.08.2021, which was registered as crime No.182/2021 prior to registration of report by complainant in this crime, without commenting anything into the merits of the case, I am inclined to release the present applicant No.2, namely, Sushil Ekka on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant No.2, namely, Sushil Ekka in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh