

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1233 of 2021**

1. Hardeep @ Golu, Son of Barelal Sinha, aged about 26 years, R/o. Village Chiddo, Tahsil Dongergarh, District Rajnandgaon (C.G.)

2. Ganesh @ Pintu Ghindoure, (wrongly written as Ganesh @ Pintu only), Son of Mevak Lal, aged about 28 years, Caste Satnami, R/o. Kachhari Chowk, Jail Road, Dongergarh, District Rajnandgaon (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station Dongergarh, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicants	: Mr. Punit Ruparel, Advocate.
For Non-applicant/State	: Mr. Vimlesh Bajpai, Govt. Advocate.
For Complainant	: Mr. Krishna Gopal Yadav, Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29/10/2021**

(1) The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 425/2021 registered at police station – Dongergarh, District Rajnandgaon (C.G.) for commission of offence punishable under Sections 456, 354 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 18.7.2021 at about 7.30 pm, when complainant, who is lady, was present alone in her house, at that time, applicants went there and asked about her husband, she stated that her

husband is not present in the house, thereafter, they tried to outrage her modesty by caught hold of her hand and other parts of the body and thereby committed the aforesaid offences. On being report lodged by complainant, FIR under Sections 456, 354 read with Section 34 of the IPC was registered against the applicants.

(3) Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the crime in question as they have not committed the alleged crime. He would next submit that victim/prosecutrix/complainant herself appeared before the Additional Sessions Judge, Dongergarh, District Rajnandgaon (C.G.) and had filed her affidavit stating therein that applicants were not miscreants of present case and they have not committed any crime with her. Despite that, anticipatory bail application filed by the applicant has been dismissed by the trial Court, therefore, the applicants are entitled to enlarge on anticipatory bail.

(4) On the other hand, learned counsel for the State would submit that complainant herself has filed written complaint naming the applicants and on the basis of her written complaint, FIR has been lodged against the applicants and even in her statement recorded under Section 161 of the Cr.P.C. before the trial Court, complainant has stated that applicants have committed alleged crime with her, therefore, the applicants are not entitled for anticipatory bail.

(5) Counsel for the Complainant has filed written submission on behalf of the complainant/victim supporting anticipatory bail application filed by the applicants.

(6) I have heard learned counsel appearing for the parties and perused the

case diary as well as material available on record.

(7) Considering the facts & circumstances of the case, nature & gravity of the offence, particularly an affidavit filed by the complainant/victim before court below and also written submission filed by the complainant through her counsel, I am of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application under Section 438 filed by the applicants is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of ₹ 50,000/- with two sureties for the like sum to the satisfaction of the officer/Court arresting them and they shall abide by all the following terms and conditions:

- (i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that the accused/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 accused/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/-

(N.K.Chandravanshi)
Judge

D/-

