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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 426 of 2021

1. Rabiya Begum W/o Abdul Rafique Aged About 47 Years R/o House No. P 69, Ward No. 8, Behind Police Station Khongapani, P.S. Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh
2. Sheikh Wasim S/o Abdul Rafique Aged About 27 Years R/o House No. P 69, Ward No. 8, Behind Police Station Khongapani, P.S. Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants	: Mr. Gopal S Gupta, Mr. Raza Ali, Advocate.
For Respondent/State	: Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24.05.2021

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.57/2021, registered at Police Station: Jhagrakhand, District: Koriya (C.G.) for the offence punishable under Section 294, 506, 323, 354 (B) r/w 34 of IPC.
3. After arguing at length, learned counsel for the Applicants submits that he wants to withdraw the instant anticipatory bail application with regard to Applicant No.2.



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4. Prayer is allowed.

5. Accordingly, the instant bail application is dismissed as withdrawn with regard to Applicant No.2 namely Sheikh Wasim.

6. According to the case of prosecution, on 26.02.2021, the complainant made a report against the present Applicants alleging therein that on 26.02.2021 itself the Applicants entered into verbal altercation with her and tried to outrage her modesty. On the basis of her report offence has been registered.

7. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that Applicant No.1 is also a women therefore, Prima Facie offence under Section 354 (B) is not made out against the Applicant No.1 therefore, he prays for grant of anticipatory bail to the Applicant No.1.

8. Per contra, learned counsel appearing on behalf of State opposes the bail application.

9. I have heard learned Counsel for the parties.

10. Considering the facts and circumstances of the case and after going through the contents of FIR and also considering the fact that the main allegations are against the Applicant No.2, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant No.1.

11. Accordingly, the anticipatory bail application is allowed with regard to Applicant No.1 namely Ms. Rabiya Begum.

12. It is directed that in the event of arrest, the applicant No.1 shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;



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- II. The accused/applicant 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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

