

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C(A) No. 1204 of 2015

Natwarlal S/o. Late Shri Harikishan, aged about 54 years,
Occupation business, R/o. Gharghoda, Police Station Gharghoda
District Raigarh (C.G.)

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S.
Gharghoda, District- Raigarh, (C.G.)

---- Respondent

For Applicant	:-	Mr. B.D. Guru, Advocate
For Respondent/State	:-	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 352/2015, registered at Police Station –Gharghoda, District – Raigarh (C.G.) for offence punishable under Sections 456,354-A,323 of IPC.
2. As per the prosecution case, in short, a report was made against this applicant that he entered into the house of the prosecutrix, thereafter; he asked the prosecutrix to develop sexual relationship with him. Thereby, the offence committed under sections 456,354-A and 323 of IPC.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely inculpated in this case. He further submits that the prosecutrix of her own stated that she does not want to any further enquiry in the matter against the present applicant and she wants to close the report. He further relied on the application Annexure A/3 which was addressed to Station House Officer Gharghoda and therefore, he may be enlarged on anticipatory bail.

4. Counsel for the State, on the earlier hearing, was directed to verify the same as to whether the application has been filed or not ? State counsels filed its reply and submits that as per memo the complainant herself appeared before Thana and submits a written application in which she does not want any further action against the present applicant in this case since they have entered into compromise.

5. Perused the case diary and the documents. In view of the such documents, the complainant/victim made a written application before Station House Officer Gharghoda on 02.11.2015 wherein it is stated that she do not want any further action against this applicant; therefore, considering the facts, this Court is of the opinion that it is a fit case where the applicant can be extended the benefit of anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh