

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 767 of 2015**

- Satish Soni S/o Mahaveer Prasad Soni Aged About 52 Years R/o Plot No. 5/5, Nehru Nagar (East), P.S. - Supela, Tahsil & District - Durg (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station - Supela, Durg (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Rajeev Shrivastava, Advocate.
For Respondent/State	:	Mr. Mahesh Mishra, Panel Lawyer
For objector	:	Mr. T.K. Tiwari, Advocate

Hon'ble Shri Justice I.S. Uboweja**Order on Board****07/09/2015**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 246 of 2015, registered in Police Station Supela, District Durg (CG), for offence punishable under Sections 376, 506 & 354 of the IPC.
2. The case of the prosecution, in brief, is that the applicant, who is maternal uncle of the prosecutrix, committed sexual intercourse upon her and also tried to outrage modesty of her sister namely Priya Soni and thereby he committed the aforesaid offence.
3. Mr. Rajeev Shrivastava, learned counsel appearing for the applicant would submit that the present applicant has not committed any offence and has been falsely implicated in the case. He would further submit that on 16-4-2015 parents of the applicant lodged report (Annexure A/2) against the prosecutrix, her sister and mother with regard to threatening and blackmailing given by them for implicating the family members of the present applicant in a false case. Thereafter, as a counter blast, prosecutrix lodged the report against the present applicant to implicate him falsely. He would further submit that neither external nor internal injuries were found on the body of the prosecutrix and even medical report does

not support the case of the prosecution. Therefore, present applicant may be extended the benefit of anticipatory bail.

4. On the other hand, Mr. Mahesh Mishra, learned counsel for the State as well as Mr. T.K. Tiwari, learned counsel appearing for the objector oppose the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case and further considering the medical report in which neither external nor internal injuries were found on the body of the prosecutrix and further taking into consideration the report lodged by the parents of the applicant against the family members of the prosecutrix and considering the conduct of the prosecutrix, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:
 - (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that 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) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(I.S. UBOWEJA)
JUDGE