

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 369 of 2016

1. Jaleshwar S/o Late Manikram Aged About 55 Years Cast Kurmi (Chandrvanshi) R/o Village Naroli, P.S. Kunda, Tahsil Pandriya, District Kabirdham, Chhattisgarh.
2. Dinesh S/o Ramnath Aged About 42 Years Cast Kurmi (Chandrvanshi) R/o Village Naroli, P.S. Kunda, Tahsil Pandriya, District Kabirdham, Chhattisgarh. -- **Petitioners**

Versus

- State of Chhattisgarh through P.S. Kunda, District Kabirdham, Chhattisgarh. --- **Respondent**

For the applicant : Mrs. Kiran Jain, Advocate

For the Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.05.2016

1. Apprehending arrest in connection with Crime No. 43 of 2016 registered at Police Station Kunda, District Kabirdham (C.G) for the offences punishable under section 456, 354/34 IPC , the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 18.03.2016 the applicant entered into the house of victim, wife of Suresh Kumar and tried to outrage her modesty thereby the offence is committed.
3. Learned counsel for the applicants submits that initially the applicants have made a report against one Videsh Kumar

Chandrakar who was an Ex-Sarpanch of the village, Naroli and for which a report was lodged as the SDO has directed for registration of offence against the Videsh Kumar and thereafter this false report was filed by the wife of tractor driver of Videsh Kumar. It is further submitted that settlement has been arrived at between the parties and the affidavit was filed that she do not want to further prosecute the case. The affidavit is filed as Annexure A-3.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Learned State counsel was directed to verify the affidavit filed by the victim . Learned State Counsel placed the verification report wherein Usha Bai made a statement that she entered into compromise and signed the affidavit.
6. Considering the verification report of the State Government, I am inclined to release the applicants on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao