

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 786 of 2016

1. Narendra Prasad, S/o. Shri Shrinivas Prasad, aged about 28 years,
R/o. Supela, Bazar Ward No.05, P.S. - Supela, Tahsil and District –
Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police
Station - Supela, Tahsil and District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer
For Objector	: Mr. Shivendra Bhardwaj, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/08/2016

1. Apprehending arrest in connection with Crime No.621/2016 registered at Police Station- Supela, District – Durg (C.G.), for offence punishable under Section 377 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 19.05.2015, the complainant, Preeti Prajapati was married to the present applicant. Thereafter, she was subjected to torture and the applicant further used to show porn videos and thereafter, used to commit unnatural sex with her. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that initially the report was made by the complainant on 30.03.2016 for the offence under Section 498(A), 34 of I.P.C., wherein this allegations were never attributed against the applicant. It is further submitted that the

applicant was arrested on 05.05.2016 and after his release on bail, again the report was made on 01.07.2016. It is further submitted that on earlier occasion, no such acts has been reported in earlier report and since the applicant was bailed out in the earlier case, therefore, false allegation has been levelled. Therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel as well as the counsel for the objector opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and documents. Perusal of the document filed by the objector would show that report was made on 30.03.2016 for the offence under Section 498 (A) of I.P.C. against the applicant and other co-accused. Apparently no allegation has been reported of unnatural sex. Subsequently, again a report was made on 01.07.2016, wherein the allegation of unnatural sex have been attributed. Considering the fact that the applicant was earlier arrested and he has been released on bail for the offence under Section 498(A) of I.P.C. and in the earlier report, the fact of unnatural sex has not been alleged. The prosecution had already got a chance to get the custodial interrogation. Taking into the entirety of the fact of this case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as custodial interrogation of the applicant in this case may not be required.
7. 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, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one 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 himself 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge