

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 105 of 2016

Manish Yadav S/o. Shri Rajendra Prasad Yadav, aged about 26 years,
R/o. Village Narela, Post Haldi, Rampur, P.S. Unnao, District Gajipur,
Baliya (U.P.)

--- Applicant

Versus

State of Chhattisgarh Through the Police Station- Pulgoan, Tahsil and
Civil and Revenue District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. Atanu Ghosh, Advocate.
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/02/2016

1. Apprehending arrest in connection with the Crime No. 349 of 2013, registered at Police Station Pulgoan, District Durg (C.G.) for the offence punishable under section 450,376 and 506 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the prosecutrix was wrong confined by this applicant and the other co-accused namely Sarvesh Yadav thereafter the applicant committed forcible sexual intercourse with her against her will. It is alleged that the applicant has locked the door from outside and allowed the other accused person to commit the offence.

3. Counsel for the applicant submits that the main allegation is on Sarvesh Yadav and he has been granted regular bail by the Coordinate bench of this Court and the allegation against this applicant is too vague and the prosecutrix was a consenting party. He further submits that the allegation of rape has not been attributed to this applicant and only allegations of wrong confinement has been made. He further submits that the FIR was delayed by 4 months, therefore, the applicant may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the statement of the victim wherein the allegation of rape has been attributed to Sarvesh Yadav and who has been granted regular bail by the coordinate bench of this Court, considering the delay of 4 months in lodging the FIR. Therefore, considering the degree of allegation levelled against this applicant, this Court is of the opinion that the present is the fit case, the applicant should be enlarged on anticipatory bail.

5. 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 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 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) 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/-

(Goutam Bhaduri)

JUDGE

santosh