

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 307 of 2016

Francis Agariya S/o. Budhan Agariya, aged about 40 years, R/o. Sonbarsa, P.S. Chando, Balrampur, District Balrampur, Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Chando, Balrampur, District Balrampur, Ramanujganj (C.G.)

---- Respondent

For Applicant	:-	Mr. Jitendra Shrivastava, Advocate
For Respondent/State	:-	Mr. Arvind Shukla, P. L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/05/2016

1. Apprehending arrest in connection with Crime No. 6 of 2016 registered at Police Station – Chando, Balrampur, District Balrampur, Ramanujganj (C.G.) for the offence punishable under sections 376 and 506 of the Indian Penal Code and 3(1-11) and 3(2)(5) of the Scheduled Castes and Scheduled Tribe(Prevention of Atrocities) Act 1989. The applicant has preferred this application for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that on 14.02.2016, the prosecutrix along with her neighbour Chamri Bai had gone to forest to graze cattle, while she was coming back the applicant mixed up the goat along with the prosecutrix cattles.

Thereafter, caught hold the hands of the prosecutrix and took her towards the corner pit and committed sexual intercourse with the prosecutrix.

3. Counsel for the applicant submits that the prosecutrix is a married lady and because of pressure of her husband, a false report has been made against the applicant as some land dispute exists between the husband of the prosecutrix and the applicant, consequently, an affidavit has been sworn by the prosecutrix wherein it is stated that no offence has been committed by the applicant, therefore, the applicant may be given the benefit of anticipatory bail .

4. State counsel was directed to verify the authenticity of affidavit filed along with the bail petition Annexure A/3, wherein it is stated that no offence has been committed by the applicant. State counsel on its verification would submit that the affidavit has been verified which is also supported with the statement of the prosecutrix wherein she has stated that because of pressure of her husband, a false report has been made against the applicant as some land dispute exists between the husband of the prosecutrix and the applicant.

5. Considering such statement, where the entire offence has been denied by the prosecutrix, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 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 him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh