

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1334 of 2015

Dileshwar Prasad Sahu S/o Late Thakur Ram Sahu Aged About 29
Years R/o Village Thelki (Lacchanpur), Th. Palari, Distt. Baloda
Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station House Officer -
Kasdol, Chowki Lavan, Post Office - Kasdol, Distt. Baloda Bazar -
Bhatapara Chhattisgarh

---- Respondent

For applicant – Shri Deepak Jain, Advocate.
For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 500/2015 registered at Police Station Kasdol, Chowki Lavan, Distt. Baloda Bazar-Bhatapara (C.G.) for offence punishable under Sections 456, 354 of IPC and 3 (1) (11) of Scheduled Caste Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by victim that on 2/12/2015 the applicant was standing in the courtyard of her house and on being asked why he has come, he caught hold of the victim, when she raised her voice, her brother came that resulted into scuffle and thereafter applicant fled away from the scene.
3. Learned counsel for the applicant submits that victim and the applicant were in love relation and he relied on certain documents i.e. letters written by the victim and he further submits that victim has filed an affidavit wherein she has completely negated happening of the incident and stated that she is in love relation with the applicant, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel was directed to verify the facts and on verification State counsel submits that report has come that the affidavit has been sworn by the victim and in the affidavit it is stated that victim is in relation with the applicant and he has not done anything in the like nature as reported.

5. Taking into such statement, I am inclined to extend benefit of anticipatory bail to the applicant.

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

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

