

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 559 of 2016

- Sukhranjan Usendi S/O Mahanguram Usendi Aged About 40 Years Caste Gond, R/O Village Sangam, Police Station Pakhanjur, Civil And Revenue District Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Police Station Pakhanjur, Civil & Revenue District Kanker Chhattisgarh

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-08-2016

1. The applicant has preferred the instant bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory apprehending his arrest in connection with Crime No. 17 of 2016 registered at Police Station Pakhanjur, District Kanker (CG) for the offence punishable under Sections 376 & 506 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that initially she was married to one person, subsequently some separation took place and she was living along with her parents and thereafter she came into contact with the applicant who on the pretext of marriage committed sexual intercourse with her from 2012 to 2015 and subsequently the applicant refused to marry her and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant is a member of Adivasi Bachavo Andolan Samiti and since lands of Adivasis were grabbed, false allegations have been made

against the applicant, therefore, considering the facts and circumstances of the case, the applicant may be extended the benefit of anticipatory bail.

- 4. Per contra, learned State counsel opposes the bail application.
- 5. I have heard learned counsel for the parties, perused the case diary and documents
- 6. Perusal the statements of the prosecutrix recorded under Sections 161and 164 of the Cr.P.C., would show that prosecutrix was a married woman, some separation took place and thereafter she came into contact with the applicant and the applicant and prosecutrix stayed together in the house.
- 7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant, back-ground of the case and considering the statements of the prosecutrix, I am inclined to extend the benefit of anticipatory bail to the applicant.
- 8. Accordingly, the bail application filed under Section 438 of the Cr.P.C., 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 his executing a personal bond in the 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

Raju