

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 582 /2016

Ballu Kashyap, S/o. Ramsahay Kashyap, Aged About 20 Years, R/o. Kududand, Near Sarkari Kunwa, Police Station Civil Line, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station Civil Line, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Devesh Chandra Verma, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.
For Intervener : Mr. Devesh G. Kela, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/08/2016

1. Apprehending arrest in connection with Crime No.30/2016 registered at Police Station- Civil Lines, District Bilaspur (C.G.) for the offence punishable under Section 376 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 18.05.2016 when the victim, major girl, was returning from the grocery shop, she met the applicant and the applicant in order to show his new house took her to the new house and thereafter committed forceful sexual intercourse with her.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and nothing has been done by the applicant and the applicant and girl was in love relation and because of the family pressure such report has been made, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Learned counsel for the victim/ girl submits that due to family pressure, the report was made and the girl and boy are in love affairs and nothing has been committed by the applicant and no such incident has taken place.
6. Considering such submission made by the counsel for the victim, after perusal of the case diary, without any observation on merit, I am inclined to release the applicant on anticipatory bail.
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 furnishing a personal bond to a 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