

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 781 of 2016

1. Shahe Ajam Ali Hanfi S/o Mehboob Ali Hanfi, Aged About 38 Years, R/o Khutrapara, Baikunthpur, District Korla, Chhattisgarh.
2. Laalu @ Salim Khan S/o Late Moinuddin, Aged About 37 Years, R/o Kalwapara, Shivnandanpur, P.S. Vishrampur, Tehsil Surajpur, District Surajpur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through P.S. New Rajendra Nagar, District Raipur, Chhattisgarh.

---- Respondent

For applicants – Shri Sourabh Dangi, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/09/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 56/2016 registered at Police Station New Rajendra Nagar, District Raipur (C.G.) for offence punishable under Sections 294, 323, 376, 506/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by the victim girl that on 3/04/2015 the applicants who are the brother-in-law of the victim went to her house and committed forceful sexual intercourse. Thereby, offence is committed.
3. Learned counsel for the applicants submits that the victim initially made a report under Section 376 of IPC against Parvesh brother of the applicants wherein she became hostile and eventually got married on 23/05/2015. Subsequently, on the trivial issue boy had left the house and the girl went to the house of the applicants at Baikunthpur wherein the applicants did not allow her as due to the marriage brother was disowned

by the applicants. Subsequently, while boy had not returned, victim has lodged the FIR on 4/04/2015. It is submitted that the applicants are brother-in-law, they had not travelled any time to Raipur and it would be evident from the Annexure A-2 as on the date applicant No.1 was discharging job at Baikunthpur on 31/03/2016 till 10/04/2016. It is further submitted that now the dispute in between the parties have been settled but since report was made, therefore this present bail application has been filed. Therefore, learned counsel submits that the applicants may be granted benefit of anticipatory bail.

4. Learned State counsel on the earlier date was directed to get detail about location of call made by the mobile Nos.9424254168 and 9424254169.

5. Perused the case diary. Report has come that on the alleged date the said mobile was in the vicinity of Baikunthpur and Vishrampur at about 11'O clock in the night and in the evening. The victim is present in person before the court who is identified by learned counsel for the applicant. On specifically being asked by the learned State counsel victim stated that the issue has been settled. Considering the facts and circumstances of the case, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

(i) that the applicants shall make themselves available for interrogation

before the investigating officer as and when required;

(ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE