

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 850 of 2016

1. Inder Patel, S/o. Late Nanhu Patel, age 53 years, Occupation – Agriculturist, R/o. Village-Kachhar, Thana-Bhupdevpur, Tahsil – Raigarh, Civil and Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Ajak, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/09/2016

1. Apprehending arrest in connection with Crime No.19/2016 registered at Police Station- AJAK, District – Raigarh (C.G.), for offence punishable under Section 450, 376, 506 of I.P.C. and 3 (1) (b) (1) & 3 (2) (5) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix in the month of July, 2016 that in the month of March, 2015, the applicant entered into the house of the prosecutrix, thereafter, committed forceful rape.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case for the reasons that the wife of the present applicant and the grand mother of the prosecutrix contested the election and grand mother of the prosecutrix lost the election, therefore, the false allegation have been made. It is further submitted that the delay in lodging the FIR is not also explained and the false allegation has been attributed against the applicant.

Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents as also the map of the place. The incident alleged to have been happened in the month of March, 2015 for which a report was made in the month of July, 2016. Considering the delay and the nature of allegations as also the map and further considering the facts and circumstances of this case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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 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/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