

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 920 of 2016**

1. Pradeep Kumar Barraiha, S/o. Ashok Kumar Barraiha, aged about 18 years, R/o. Village-Dhodhapur, Tahsil Pathariya, P.S. - Pathariya, District – Mungeli (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Aarakshi Kendra, Pathariya, District – Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Dubey, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/10/2016**

1. Apprehending arrest in connection with Crime No.64/2016 registered at Police Station- Aarakshi Kendra Pathariya, District – Mungeli (C.G.), for offence punishable under Section 366, 376 of I.P.C. and Section 4 of Protection of Children from Sexual Offences Act and 67 (A) of I.T. Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix on 14.03.2016 against one Chandra Prakash that when she went out to answer the call of nature on 13.03.2016 at 12.10 o'clock, at that time the said Chandra Prakash caught hold of her and dragged her inside the room and committed forceful intercourse and applicant recorded the voice during such time. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has neither been named in the FIR nor in the statement recorded under Section 161 of Cr.P.C and the entire allegations are attributed to the accused

Chandra Prakash. 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 statement of the victim and the FIR. The entire allegation has been made against accused- Chandra Prakash and the applicant has not been named in the FIR nor in the statement recorded under Section 161 of Cr.P.C. Considering the facts and circumstances of the 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 today.

Sd/-
(Goutam Bhaduri)
Judge