

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1004 of 2016

Rishabh Soni S/o Shri Dheeraj Soni Aged About 18 Years R/o
Chandani Chowk, Police Station Ambikapur, District Surguja,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For applicant – Shri Amarnath Pandey, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

27/10/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.428/2016 registered at Police Station Ambikapur, District Surguja (C.G.) for offence punishable under Sections 294, 506, 323, 354, 34 of Indian Penal Code and Section 7, 8 of Protection of Children from Sexual Offences, Act, 2012.
2. As per the prosecution case, it is alleged that on 26/06/2016 at about 6.30 victim when was standing out side her home in the porch, at that time one Golu @ Ganesh and Kartik and one person came gave them the mobile, thereafter abused also caught hold of the hand and tried to drag when she resisted father of the victim Rajesh and Saurabh came and scuffle took place in between them, at that time one person fled away. It is alleged that the person who fled away is the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He was working as electrician the other boys were assaulted by the family members of the victim at the request of the mother of one of the co-accused he tried to save them and has been falsely

implicated in the case, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. It appears prima facie no allegation is attributed against the applicant. Considering the facts, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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) 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

