

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 850 of 2017**

Chhotu @ Mahesh Patel S/o Shri Shan Bihari Patel, aged about 20 years R/o village Katapada Bhaisadarha, Loharsingh, Police Station Jharband, District Badgad (Orissa)

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund (CG).

---- Respondent

For Applicant	:	Shri Amit Kumar Chaki, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/11/2017**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.298 of 2017 registered at Police Station Basna, Distt. Mahasamund for the offence punishable under Sections 363,366 and 376/34 IPC and Section 4 of POCSO Act.
2. The allegation against the applicant as per prosecution is that, the applicant in connivance with main accused Nand Kumar Patel is said to have taken the prosecutrix from her parental home to different places and where the co-accused Nand Kumar is said to have ravished her.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case. According to him, it is a case where the main allegation against the applicant is that of providing lift to the main accused and the prosecutrix from their village to Railway Station, Bilaspur from where they caught hold train and proceeded further. He

submits that the main accused was already a married person and therefore there was nothing to believe that there were some sort of illegality on the part of main accused and he was under impression that they were going for employment purpose to Jammu. Apart from this, there is no overt act on the part of the applicant, and therefore he may be granted anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that there is statement against the applicant of providing lift to the main accused and the prosecutrix, and therefore the applicant too has equally played important role in commission of the offence, and thus prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and taking into consideration the total facts and circumstances of the case particularly the age of the applicant and the only role played by the applicant was that of providing lift to the main accused Nand Kumar Patel and the prosecutrix, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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;

3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

4. 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.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder