

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 862 of 2017**

Anat Ram Poyaam S/o Mr. Koduram Poyaam, aged about 38 years,
R/o Village Chownkpara, Bijapur, P. S. Makdi, Tehsil Makdi, Dist.
Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Makdi, Dist. Kondagaon
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Raza Ali, Advocate
For Respondent/State:		Shri Garry Mukhopadhyay, Dy. Govt. Advocate

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

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 32/2017 registered at P.S. Makdi, District Kondagaon (CG) for the offence punishable under Sections 376, 313 & 506 of IPC.

2. The allegation against the present applicant as per the prosecution is that he is said to have ravished the prosecutrix for a considerable period of time in past three years and for which an FIR ultimately was lodged on 13.06.2017.

3. Counsel for the applicant submits that the present applicant has been falsely implicated in the instant case and that the false implication is to put pressure upon the applicant who is a witness in Crime No. 31/17 where there is an allegation of rape against one Shyam Sunder Das Baba of Alekh Ashram. He further submits that a similar offence identical in nature has

also been lodged against another accused person namely Soman Ram Mourya in the same crime against whom identical complaint has been registered as Crime No.33/17 at the same police Station. The said Soman Ram Mourya is also a witness in the criminal case registered against Shyam Sunder Das Baba. This fact would clearly reflect that the same has been lodged only with a mala fide intention of putting pressure upon the present applicant not to depose against the accused in Crime No. 31/17. Thus, prayed for grant of anticipatory bail to the applicant.

4. State counsel, however, opposing the bail application refers to the statement of the prosecutrix where there is an allegation of the prosecutrix getting conceived through the present applicant and providing her certain medicine by the applicant for terminating the pregnancy.

5. Taking into consideration the total facts and circumstances of the case, particularly the fact that there is no plausible explanation for the delayed lodging of the FIR in the present case and no substantive evidence of any role played by the applicant of the alleged termination of pregnancy, coupled with the fact that the applicant is a witness against the Baba of the said Ashram in Crime No.31/17, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

**Sd/-
(P. Sam Koshy)
Judge**