

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 870 of 2017**

Krishna Prasad S/o Keshavraj, aged about 32 years, R/o Q. No. Type - 02, DS - 448, front of Bank, Kirandul, Police Station Kirandul, District South Bastar - Dantewada, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Police Station Bhansi, District Dantewada, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shrawan Agrawl, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****30/11/2017**

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. 33/2017 registered at Police Station Bhansi, District Dantewada (CG) for the offence punishable under Sections 341, 354, 354(a), 354(d), 506-B/34 of IPC.

2. As per the prosecution case, on 31.08.2017, the present applicant along with other co-accused is said to have stopped the victim while she was returning from Dantewada to Bacheli on a Scooter and caught hold her hand then outraged her modesty.

3. Counsel for the applicant referring to the documents filed along with the bail application submits that the present applicant is the younger brother of the husband of the victim. He submits that the victim has already lodged many compliant cases against the applicant and other family members for the offence under Domestic Violence Act, u/s 498A, 394, 506-B & 324 of IPC and in order to further implicate the present applicant, a false case

has been lodged. He submits that in the given circumstances, the applicant deserves to be released on bail.

4. State counsel, however, opposing the bail application submits that there is no reason to disbelieve the statement of the victim and the nature of allegations are quite serious, therefore, prayed for rejection of the bail application.

5. Considering the total facts and circumstances of the case, particularly the number of cases lodged by the victim against the applicant and other family members, 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