

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 176 of 2017**

- Leelesh Parakh @ Nilesh Parakh S/o Late Jawahar Lal Parakh, Aged About 47 Years, R/o Mahalakshmi Jewellers, Ganj Road, Navapara, Gobra Navaapara, Tehsil Abhanpur District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station -Gobra Navapara, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Ankur Agrawal, Advocate
For Non-applicant/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/11/2017**

1. Apprehending arrest in connection with Crime No.307/16 registered at Police Station- Gobra Navapara, District – Raipur (C.G.), for offence punishable under Section 376, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated in this case. The prosecutrix in this case by filing an affidavit before the police authorities has herself admitted that she has made false complaint against the applicant due to pressure given by the members of her family and others. Hence, no case is made out against the applicant for investigation and his prosecution. It is also

submitted that the applicant is suffering from Hepatitis B and having serious health condition and therefore he requires treatment and medical attendance. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary.
5. In the FIR against the applicant, it is alleged that the prosecutrix was engaged as house-hold help in the house of the applicant. On one occasion finding her alone the applicant raped her and also took some photographs from his mobile when she was in compromising position and threatening the complainant/prosecutrix to make the said photographs public he has further sexually exploited her, on the basis of this information, the case has been registered and investigation is going on.
6. The affidavit given by the prosecutrix has been filed with this application and this affidavit is also a part of the case diary, in which, she has made categorical statement that she has made false allegation against the applicant. Taking this fact into consideration and also the fact that the applicant is suffering from Hepatitis B, because of which, he is in serious health condition and requires treatment and medical attendance, I am of the view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge