

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 609 of 2017**

Shivaji Sonkamle S/o Shri Daulat Ram Sonkamle Aged About 40 Years R/o ACC Labour Camp, Lawkush Nagar, Jamul, Ward No. 13, Police Station Jamul, Tahsil And District Durg Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station, Jamul, District Durg Chhattisgarh.
2. The District Magistrate, Durg, Collectorate Office Durg, Chhattisgarh.

---- Respondents

For the Applicant : Shri Vipin Tiwari, Advocate.
 For the Respondents/State : Shri Arvind Kumar Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 277 of 2017, registered at Police Station – Jamul, District – Durg, Chhattisgarh for the offences punishable under Section 376 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case by the wife of his deceased brother. The applicant is father of two siblings and similarly the prosecutrix is also mother

of two siblings. The false implication has been made for the reason that the prosecutrix is raising dispute for partition of property and she has also made false allegation against the rest of the members of the family about subjecting her to cruel treatment. Hence, the case is totally based on falsity because of which the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the written complaint filed by the prosecutrix and her statement under Section 161 of the Cr.P.C. there is clear and categoric statement against the applicant about the commission of offence against the prosecutrix. Hence, under these circumstances, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions and the contents of the case diary, I am of the considered view that this is not a fit case to release the applicant on anticipatory bail.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected. However, the trial Court is directed that on applicant surrendering before the trial Court his bail application may be considered and decided as expeditiously as possible, preferably on the same day.

Sd/-

(Rajendra Chandra Singh Samant)
Judge