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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 844 of 2017**

- Mumtaj S/o Mohamed Rashid Aged About 25 Years R/o Village Revtipur, Police Station Ramchandrapur, District Balrampur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ramchandrapur, District Balrampur Chhattisgarh

---- Non-applicant

For Applicant	: Shri Amit K. Chaki, Advocate
For Non-applicant/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/11/2017**

1. Apprehending arrest in connection with Crime No.24/2017, registered at Police Station- Ramchandrapur, District Balrampur (C.G.), for offence punishable under Section 294, 506, 342, 450, 376(f) 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 by the prosecutrix, who happened to be the wife of his elder brother, on account of some dispute between them. Although the FIR was lodged by the prosecutrix, but she has given affidavit in support of the applicant submitting that she and the applicant had some quarrel

between them, because of which she got injured, nothing had taken place in that incident, the police has registered offence under Section 376 of the IPC on its own and further it is stated that she has compromised with the applicant and has no objection on grant of bail to the applicant. Hence, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and the submission made.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are these that on 27-04-2017 the applicant entered in the house of the prosecutrix by use of force and by threatening her he committed rape with her, on the basis of which the offences were registered against him.

6. Considering on the submissions made and the contents of the case diary particularly the statement of the prosecutrix under Section 164 of the Cr.P.C. in which she has stated, that no incident of rape took place in the incident that was reported by her and considering this change of circumstance during investigation, I am of this view that the applicant should be benefited with grant of anticipatory bail in the present matter.

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