

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1240 of 2016

- Mukhtar Ansari @ Rajju S/o Naseer Ansari Aged About 43 Years Caste Muslim, R/o Village Marwahi, Thana & Tahsil Marwahi, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station, Marwahi, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate

For Respondent/State : Mr. Wasim Miyan,, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

8-3-2017

1. Apprehending arrest in connection with Crime No. 139 of 2016 registered at Police Station Marwahi, District Bilaspur (CG) for offence punishable under Sections 354 and 376 of the IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, on 13-8-2016 a report was made by the prosecutrix that the husband of the victim was physically weak and the applicant used to visit the house of the victim, therefore, in order to get the husband of the victim treated, physical relation was developed with the victim girl for the last four years. It is alleged that the applicant dishonestly got the land through registered sale deed without consideration and thereafter after death of her husband the applicant refused to keep her.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, after purchase of the land acquisition started and in order to get the compensation, false report was made against the applicant. He would further submit that even if the facts are accepted as it is, then it would show that the prosecutrix was a consenting party and a civil suit in between the parties is pending inspect of the land purchased by the applicant from the husband of the prosecutrix, therefore, false allegations have been attributed to the present applicant. Therefore, considering all the facts and circumstances of the case, the applicant may be extended the benefit of Section 438 of the Cr.P.C.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix recorded under Section 164 of Cr.P.C.. Also perused the documents wherein civil suit regarding land in between the parties is pending and further it appears that the applicant lodged reports against the victim girl in the year 2016.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and the back-ground of the case, I am inclined to extend benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the sum of Rs.25,000/- with one local 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju