

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1253 of 2016**

1. Krishna Rajwade @ Chhotu Rajwade, S/o. Jivan Prasad Rajwade, Aged About 22 Years, Caste -Rajwar, R/o. Village -Shrigarh, Police Station & Tahsil -Ambikapur, District -Sarguja, Chhattisgarh.

----Applicant**Versus**

1. State Of Chhattisgarh, Through: Station House Officer, Police Station AJAK Ambikapur, District -Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/03/2017**

1. Apprehending arrest in connection with Crime No.23/2016 registered at Police Station- AJAK Ambikapur, District – Sarguja (C.G.), for offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 (1) (10) of Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act, 1989/Section 147, 148, 149 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution in brief is that on 13.05.2016 a report was lodged by the prosecutrix alleging that on 18.04.2016 one Gopi Rajwar entered into the house of the prosecutrix and forcefully committed rape. Thereafter on the date of her marriage, the accused – Gopi Rajwar persuaded the prosecutrix to accompany

him and pressure was made and took away the prosecutrix and thereafter, near Badhiyachuwa road, they met with the present applicant and the preset applicant in the motor cycle left the girl in the house of Gopi Rajwar. Thereafter, the prosecutrix could come out of house of Gopi Rajwar and the report was made. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the main allegation is attributed to Gopi and it is alleged that when the Gopi Rajwar taking away the girl, the present applicant met other co-accused and the victim on the road, therefore, no offence has been committed. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and statement. Taking into the statement of the victim, the degree of allegation attributed to the present applicant as the main allegation is attributed to Gopi Rajwar, this Court is inclined to extend the benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required.
7. 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 executing a personal bond in sum of

Rs.25,000/- with one surety each 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge