

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 101 of 2018

Laxmikant Shukla S/o Shiv Hanuman Prasad Shukla Aged About 27 Years R/o Ware House Road, Mahamaya Vihar, Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Durg P.S. Pulgaon, District Durg Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Akath Kumar Yadav, Advocate
For Non-applicant/State	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/01/2018

1. The present is a repeat anticipatory bail application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No. 392/2017, registered at Police Station Pulgaon, District Durg, Chhattisgarh for the offence punishable under Sections 376 of Indian Penal Code and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The earlier application was rejected by this Court on 29.11.2017.
3. The counsel for the applicant submits that subsequent to the rejection by this Court, the applicant has been able to lay hands on many material documents and which would clearly establish the fact that the applicant has been falsely implicated in the instant case. He submits that even at the first instance, the stand of the applicant was that he has been falsely implicated. He submits that foremost amongst the fact that he has been falsely implicated is the ground that the complainant in the instant case is much older in age than

the present applicant. Second the fact that the complainant has been trying to blackmail the present applicant, when he was getting married to a different lady. He further submits that it is a case where the complainant was a grown up well educated lady and that it is hard to believe that she would permit the present applicant to exploit her for a continuous period of about 5-10 years without any objection. Further from the documents attached to the bail application also would show that the present applicant had already apprehended such steps to be taken by the complainant and in this regard he had already made complaints to different police officials at different point of time, which would further strengthen the case of the of the applicant. Thus, prayed for the applicant be given the benefit of anticipatory bail.

4. Mr. Lav Sharma, the State counsel however opposing the bail application submits that it is an anticipatory bail application, which is being repeated by the present applicant and there is no strong case made out for grant of anticipatory bail.
5. Having heard the contentions put forth on either side and on perusal of record, what clearly reflects is the fact that the complainant seems to be elder to the present applicant and that there appears to be a consensual relationship between the applicant and the complainant, if any, and further it also appears that the dispute arose only when the present applicant is said to have got engaged to some other girl.
6. Given the entire facts and circumstances of the case, particularly taking the written complaints, which the applicant had made prior to the complainant lodging the F.I.R. and also taking note of the other details, which have been brought during the course of the hearing, this Court is of the opinion that prima facie, strong case for grant of

anticipatory bail has been made out at this juncture by the applicant and the application thus deserves to be and is accordingly allowed.

7. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the applicant in connection with Crime No. 392/2017, registered at Police Station Pulgaon, District Durg, Chhattisgarh for the offence punishable under Sections 376 of Indian Penal Code and 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge