

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 878 of 2017**

Chandrakant Katakwar S/o Shyamkumar Katakwar Aged About 30 Years R/o Village Adbhar Ward No. 4, Thana And Tahsil Malkharoda, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh S/o Through The Section House Officer Sheduled Caste And Sheduled Tribe Atrocities Welfare Police Station Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant	:	Shri N.K. Malviya, Advocate.
For the Respondent/State	:	Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.02.2018**

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. 12 of 2017, registered at police station – Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 376 and 417 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. No case is made out

against the applicant on the basis of the material placed before the Court by the prosecution. The complainant in this case is a major woman aged about 22 years. According to her allegation, she and the applicant developed love affair and had physical relationship. The FIR has been lodged only for the reason that the parents of the applicant have not agreed to accept the prosecutrix as their daughter-in-law. Hence, it is prayed that 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 the statement given by the prosecutrix is clear and categoric, hence, no case is made out for grant of anticipatory bail.

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

6. The prosecutrix/ complainant has given statement in the investigation that one year prior to lodging of FIR she and the applicant got acquainted and their relationship started. Subsequent to that, the applicant performed a marriage in temple and promised that he will also perform court marriage with her. The applicant and the prosecutrix also had physical relationship, but the applicant kept stalling to perform marriage with the prosecutrix. On 10.5.2017, the applicant got engaged to a girl of his caste. Thereafter, the applicant again assured the prosecutrix that he will marry her and again performed marriage with her in a temple. Subsequent to that, the prosecutrix went to the house of the applicant and stayed for some days. A meeting was held in the village and on the basis of the decision taken in the meeting, the applicant took the prosecutrix with him and kept her in Raigarh

and other places for some days but all of sudden the applicant left her and went in hiding because of which, the FIR has been lodged.

7. Considering the submissions and the contents of the case diary, particularly the statement given by the prosecutrix, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

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 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 them 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/-

(Rajendra Chandra Singh Samant)
Judge