

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 59 of 2018

- Shiv Shankar Verma S/o Jagdev Verma, aged about 50 years, R/o Ward No. 21 Kawardha, Police Station & Tahsil- Kawardha, District- Kabirdham (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh: Through- Station House Officer, Police Station- Kawardha, District- Kabirdham (Chhattisgarh).

---- Non-applicant

For Applicant :Mr. Dharmesh Shrivastava, Advocate.
For the State :Mr. Vinod Tekam, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/04/2018

1. Heard.
2. The applicant has preferred this anticipatory bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with crime No.412/2017 registered at Police Station Kawardha, District- Kabirdham (Chhattisgarh) for the offence punishable under Section 454, 354 of Indian Penal Code and Section 7, 8 of Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for applicant submits, that applicant has been falsely implicated in this case only because of the some disputes between the applicant and maternal uncle of the victim. No case is made out against the applicant on the basis of material present in the case. Hence, it is prayed that applicant be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.
 5. Heard both the parties and perused the case diary.
 6. According to the prosecution case, the allegation is this that in the date of incident, the applicant forced his entry into the house of the victim (aged about 17 years) and outraged her modesty. On perusal of the case diary and the statement given by the victim/prosecutrix under Section 164 of Cr.P.C. it appears to be a different version and from which the argument submitted on behalf of the counsel for the applicant finds some support.
 7. Considered on the submissions and the contents of the case diary and the material available on record, I am of the considered view that the applicant should be benefited for 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 them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court.
- The applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

