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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 452 of 2017**

- Nagesh Shukla S/o Rameshwar Shukla, Aged About 30 Years, R/o Chhindnar Bazarpara P. S. Geedam Revenue and Civil District South Bastar Dantewada Chhattisgarh., Chhattisgarh
- Bhanu Mishra, S/o Rajendra Prasad Mishra, Aged About 35 Years, R/o Santoshi Ward Near Ramdev Mandir Jagdalpur District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station Geedam, District South Bastar Dantewada, Chhattisgarh., Chhattisgarh

----Non-applicant

For Applicants : Shri Pravin Kumar Tulsyan, Advocate.
 For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/01/2018**

1. Apprehending arrest in connection with Crime No.02/2017, registered at Police Station – Geedam, District Dantewada, Chhattisgarh for offence punishable under Section 363, 365, 366, 354 and 506(B) of the IPC and under Section 3(1)(10), 11 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicants that the main accused in this case who is alleged to have abducted the prosecutrix and outraged her modesty has been granted anticipatory bail by coordinate Bench of this Court in MCRCA No.122/2017 by

order dated 08-05-2017. The allegation against these applicants is only this that they have helped the main accused in commission of the said offence. They have a better case and hence, it is prayed that they may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that the prosecutrix has made allegation against these applicants in her statement under Section 164 of the Cr.P.C., hence, they are not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. According to the case against the applicants, the main accused Yogesh Shukla abducted the prosecutrix who happens to be a member of scheduled tribes on 15-12-2016 and kept her in confinement till 08-01-2017, during which period the main accused mentally harassed the prosecutrix and also outraged her modesty. It is alleged that the applicants had helped in commission of the offence by providing accommodation to the main accused.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration all the facts and circumstances of this case, I am of this view that these applicants deserve to be benefited with grant anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection

with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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 applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge