

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 141 of 2018

Mahendra @ Manoj Kumar Yadav S/o Shri Tankadhar Yadav Aged
About 35 Years R/o Gram Bhumra, Post Raikera, Thana Kunkuri,
District Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kunkuri, District
Jashpur Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Anurag Dayal Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2018

1. The present is an 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. 171/2017, registered at Police Station Kunkuri, District Jashpur Chhattisgarh, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code, 1860 and Section 3(2-5) (3-1) (W) (I) of the Schedule Caste and the Schedule Tribe (Prevention of Atrocities) Act, 1989.
2. The allegation against the present applicant as per the prosecution case is that the present applicant is said to have entered into the house of the prosecutrix and is said to have ravished her which led to the filing of the F.I.R.
3. The counsel for the applicant at the outset submits that a perusal of the statement under Section 164 of the prosecutrix recorded on 10.01.2018 would show that the present applicant has been falsely implicated in the said case.

4. The State counsel on perusal of the statement under Section 164 of Cr.P.C. submits that it is true that the prosecutrix in the course of her statement under Section 164 has made a statement that the false complaint was lodged on account of the present applicant having demolished a boundary wall of the house of the prosecutrix in the course of construction of a road in front of her house.
5. Given the aforesaid statement under Section 164 by the prosecutrix, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.
6. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No. 171/2017, registered at Police Station Kunkuri, District Jashpur Chhattisgarh, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code, 1860 and Section 3(2-5) (3-1) (W) (I) of the Schedule Caste and the Schedule Tribe (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