

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 452 of 2018**

Vishnu Prasad Kewart, S/o Daansai Kewart, aged About 45 Years, R/o
Mirchid, P. S. Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Bilaigarh, District Baloda Bazar-
Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Umakant Singh Chandel, Advocate.
For the Respondent/ State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.05.2018**

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. 116 of 2018 registered at police station Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh for the offence punishable under Sections 294, 323/ 34, 341, 354, 384 and 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the contents of the FIR, no

offence is made out against the applicant. He has simply forwarded the message to Sumar Sai Kewat with a query for taking action regarding the photograph posted in Whats-App. 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.

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

6. According to the FIR lodged, the victim was travelling on motorcycle with her friend. She was stopped by the co-accused persons – Topesh Kumar Sahu and Bhupendra Kumar Sahu who abused her with obscene words and also thrashed her. A photograph was taken on mobile phone on asking by another accused – Ramkumar. That photograph was forwarded by Ramkumar to this applicant, who inturn forwarded it to Sumar Sai Kewat with the query as mentioned above. Co-accused – Bhupendra Kumar Sahu was making some demand from Rahul with whom the victim was travelling. On this basis, the offences have been registered against this applicant and other co-accused persons.

7. As it appears from the contents of the FIR, that this applicant was not present on the spot when the victim was stopped, abused, beaten and also her photograph was taken. Criminality in the act committed is yet to be determined. Hence, I feel inclined to grant anticipatory bail to the applicant.

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