

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 632 of 2018**

Manoj S/o Tajeeram Jangde Aged About 36 Years R/o Village - Odkakan, Thana Sarsiva And Tahsil - Bilaigarh, At Present R/o - A-21, Sector-1 Shankar Nagar Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - Sarsiva, District Balouda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.07.2018**

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. 118 of 2018, registered at Police Station – Sarsiva, Baloda Bazar, District – Raipur, Chhattisgarh for the offences punishable under Sections 354 and 376(B)(A) of the Indian Penal Code and Sections 6, 7, 8 and 10 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. There is no allegation against the applicant

about outraging the modesty or having committed an offence of rape of the victim in this case. 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 applicant had been the main accused by pressurizing and trying to restrain the complainant from lodging the FIR against the co-accused persons. Hence, he is not entitled for grant of anticipatory bail.

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

6. Complainant – Prem Bai has lodged FIR on 24.4.2018 alleging that her brother-in-law – Jitendra outraged the modesty of the victim, aged about 8 years and also raped her. When the complainant intended to lodge FIR, the applicant tried to stop her. Hence, this case.

7. Considered the material present in the case-diary and also looking to the nature of allegation against the applicant that he is not the main culprit in this case, 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. He 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 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