

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 672 of 2018

1. Smt. Leela @ Nutan Baghel W/o Surya Baghel Aged About 23 Years

2. Surya Baghel S/o Mahetara Baghel Aged About 25 Years

Both R/o Village Birgahnee, Police Station Baloda, District (Revenue And Civil) Janjgir Champa, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Sarkanda, District (Revenue And Civil) Bilaspur, Chhattisgarh

----Non-applicant

For Applicants	:	Mr. Anand Kesharwani, Advocate.
For Non-applicant/State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/08/2018

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicants who are apprehending their arrest in connection with Crime No. 33/2018, registered at Police Station Sarkanda, District (Revenue & Civil) Bilaspur, Chhattisgarh for the offence punishable under Sections 365, 354, 294, 506, 34 of Indian Penal Code.
2. The allegations against the present applicants as per the case of prosecution is that the present applicants are said to have supported the main accused Raja Soni in abducting the victim and have also given shelter and the present applicants are said to have put coerce the victim for staying with the main accused Raja Soni.
3. The counsel for the applicants submits that even if the entire version of the prosecution is accepted as it is, even then the offences which have been leveled against the applicants would not be sustainable as

there is no allegation of any act committed by the applicants, which could be brought within the ambit of Sections 365, 354, 294, 506, 34 of Indian Penal Code. He further submits that there is no averment by the victim of the present applicants having threatened her or have misbehaved with her or tried to outrage her modesty at any point of time.

4. This fact is not disputed by the State counsel on verifying the 164 statement of the victim.
5. Given the aforesaid facts and circumstances of the case, particularly considering the fact that the two applicants are husband and wife and there are no prima facie serious allegations against them, this Court is of the opinion that prima facie a fit 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 applicants in connection with Crime No. 33/2018, registered at Police Station Sarkanda, District (Revenue & Civil) Bilaspur, Chhattisgarh for the offence punishable under Sections 365, 354, 294, 506, 34 of Indian Penal Code, if they furnish personal bond for a sum of **Rs.25,000/- with one surety** each of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned 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 them 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.

Sd/-

(P. Sam Koshy)
Judge