

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 838 of 2018**

Naveen Kumar, S/o. Phuleshwar Rai, Aged About 29 Years, R/o. Sargipal Para, Near Danteshwari Hospital, Kondagaon, District Kondagaon Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : P.S. Civil Lines, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, P.L.
For Objector	: Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/08/2018**

1. Apprehending arrest in connection with Crime No.398/2018, registered at Police Station – Civil Lines, District – Raipur (C.G.) for offence punishable under Section 376, 294, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix is 26 years old major woman and she is already married having kid. Applicant and prosecutrix both had physical relation with consent and were in live- in-relationship for sometime and because of some dispute that arose between them, prosecutrix has lodged false FIR against the applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Counsel for the objector submits that applicant had brutally assaulted and beaten the prosecutrix and threatened her on number of occasions, hence, he is not entitled for grant of anticipatory bail.
6. As per the prosecution case, FIR has been lodged by the prosecutrix that this applicant, who is employee of Central Bank of India, made friends with the prosecutrix and then established physical relation with her and both of them started a live in relationship. Subsequently, the applicant started misbehaving and maltreating the prosecutrix by assaulting and beating her and also compelled her to abort her pregnancy.
7. Considered the submissions made and the documents placed on record. After due consideration on all the material present in the case record, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram