

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 846 of 2018

- B. Prakash Chandrakar S/o Bhupal Chandrakar, Aged About 45 Years, R/o K.V.B. Colony Namakal Pahmani Road Namakal Police Station Namakal District- Namakal (Tamilnadu), District : Namakkal, Tamil Nadu

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Bhansi District- South Bastar Dantewada, Chhattisgarh., District : Dantewada, Chhattisgarh

----Non-applicant

For Applicant – Shri P.K. Tulsyan, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

24-08-2018

1. This application has been filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant is apprehending his arrest in connection with Crime No.17/2017, registered at Police Station – Bhansi, District- Dantewada, Chhattisgarh for offence punishable under Section 363, 367, 368, 370 and 34 of the IPC, under Section 79 of Juvenile Justice (Care and Protection of Children), Act, 2015 and under Section 3(1)(h) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted on behalf of the applicant that he has been falsely implicated in this case. The applicant was never informed by police to appear in the investigation and he had no notice about the filing of charge sheet against him. In the present developments of things the main witnesses/victims in this case have given statement before the Court in which they have not supported the prosecution case in any manner, which is further in support of the case of this applicant, that he is innocent. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

submitting that this applicant has successfully avoided the arrest at the time of investigation and has also avoided the trial against him, he has been shown as absconder in the charge sheet, hence, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation against this applicant is this, that the minor victims Vikki Kumar Kashyap and Podiya Atara were abducted and transported by the co-accused persons to a place where this applicant has chicken farm. This applicant employed the victims and kept them in confinement for six months to exploit work from them. Hence, this case.

6. Considered on the entire material present in the case diary. Though there are allegation against the applicant in case diary statements of the witnesses alleging commission of offence by him, but looking to the present development on the basis of deposition of the important witnesses in the trial before the trial Court concerned, I am of this opinion that it would be appropriate to grant anticipatory bail to this applicant.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil