

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 886 of 2018

- Suresh Chouhan S/o Tirithram Chouhan, Aged About 26 Years, Caste Ganda, R/o Village Bamhanidih, Police Station And Tahsil Basna, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali (wrongly mentioned as Basna in bail rejection order), District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-08-2018

1. Apprehending arrest in connection with Crime No.165/2018, registered at Police Station – Saraipali, District- Mahasamund, Chhattisgarh for offence punishable under Section 376, 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is major and of age 22 years. The applicant and the prosecutrix both had married about more than one year prior to the lodging of the FIR. As the applicant is living in Raipur and works for his livelihood and could not come back to the prosecutrix, his wife, very often, hence, only for this reason, she lodged the false FIR against this applicant which is reflected in the investigation proceedings. 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.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecutrix has alleged against the applicant that by keeping her

under threat she was subjected to the offence of rape by the applicant. Hence, this case.

6. On perusal of the diary statement and the statement under Section 164 of the Cr.P.C. made by the prosecutrix, the argument advanced on behalf of the applicant finds some support, hence, after due consideration, I am of this opinion that this is a fit case for grant of 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