

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 920 of 2018**

Suryakant Deshmukh, S/o. Shri Vinod Deshmukh, aged about 24 years, R/o. Village & Post – Bori, Tahsil – Dhamdha, Civil & Revenue Distt. - Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-Bori, Civil & Revenue Distt.- Durg (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Non-applicant/State	:	Shri Arun Sao, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/12/2018**

Heard.

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 28/2018 registered at police station Bori, District – Durg (C.G.) for the offence punishable under Sections 376, 294, 506 and 323/34 of the Indian Penal Code and Section 5(L), 06 of the Protection of Children's From Sexual Offences Act, 2012 and Section 67 of the Information and Technology Act.

(2) Case of the prosecution, in brief, is that on 1.7.2013 co-accused - Lokesh Yadav taken the prosecutrix to the house of applicant and where he committed sexual intercourse with her and applicant facilitated his house for

above stated offence to co-accused – Lokesh Yadav.

(3) Learned counsel appearing for the applicant submits that it is the co-accused Lokesh Yadav who has committed sexual intercourse with the prosecutrix and whose regular bail application has already been dismissed as withdrawn vide order dated 14.06.2018 passed in M.Cr.C. No. 3104/2018. He submits that co-accused Lokesh called the prosecutrix in the house of applicant for committing the offence and there is no allegation of sexual intercourse or outraging modesty of the prosecutrix against the applicant and even in the statement of prosecutrix recorded under Sections 161 & 164 of the Cr.P.C, there is no material to show the presence of applicant in the place of occurrence. He submits that only allegation against the applicant is that he has provided his house to the co-accused Lokesh for commission of offence.

(4) Per contra, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties.

(6) Taking into consideration the facts & circumstances of the case; role of the applicant in the crime in question; and in fact there is no allegation of commission of sexual intercourse against the present applicant and only allegation is that he has facilitated his house to co-accused – Lokesh for commission of offence; this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the

following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that the accused/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 accused/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/-

(Sanjay K. Agrawal)
Judge

D/-