

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1052 of 2018**

Prem Kumar Matelkar, S/o. Late Shri Narendra Kumar Matelkar, Aged About 27 Years, R/o. Near Sharda Mandir, Baanstaal, Shastri Bazar, Raipur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S. Purani Basti, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sharad Mishra, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/09/2018**

1. Apprehending arrest in connection with Crime No.137/2018, registered at Police Station – Purani Basti, Raipur, District – Raipur (C.G.) for offence punishable under Section 354, 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 fact is this that the applicant and the victim in this case both had affair because of which, the applicant wanted to marry her. Photographs showing the applicant and the victim both have been produced along this application for perusal of this Court. The applicant himself has lodged one FIR against the relative of the victim on 17.06.2018, in which he has stated that the accused persons, threatened him to keep himself away from the victim and not to think about marrying her and then abused and assaulted and injured him. This FIR has been lodged as counter blast to that

incident. Hence, for this reason, 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. It is submitted that looking to the evidence present in the case diary, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against the applicant is this that on the date of incident, the applicant caught hold of the hand of the victim and said to her he wants to marry her and if she refuse, he will kill her, hence, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary, the FIR lodged by the applicant against Arun Koshariya and Deepak Basant is part of the case diary, which shows that on account of the applicant inclination towards complainant to marry her, he was allegedly abused and threatened by them. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of CR.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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