

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1100 of 2018**

Prem Lal, S/o. Ashwani Kumar Nirala, Aged About 29 Years, R/o. Hardi, Chowki Bhatagon, Police Station and Tahsil Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Bilaigarh (Chowki Bhatgaon), Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Virendra Verma, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/10/2018**

1. Apprehending arrest in connection with Crime No.291/2018, registered at Police Station – Bilaigarh (Chowki- Bhatgaon), District – Balodabazar – Bhatapara (C.G.) for offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 17, 18, 4 of the Protection of Children from Sexual Offences Act, 2012, 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 in this case has earlier lodged a similar FIR against this applicant and the other co-accused persons, in which the police has filed closure report. False FIR has been lodged only on account of

enmity with the applicant and other co-accused persons at the behest of her grand-father. It is submitted that co-accused has been enlarged on regular bail by the Court below. 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 for grant of bail and submitted that according to the statement given by the prosecutrix, this applicant and the co-accused persons are involved in this case. Hence, this applicant is not entitled 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. A written complaint was given by the prosecutrix on 24.04.2018 at Chowki – Bhatgaon under Police Station Bilaigarh alleging that co-accused Anil Khute developed intimacy with her and then on 06.05.2017, co-accused Anil Khute abducted the minor prosecutrix and took her to a place where he along with the applicant by force administered some medicine and both of them sexually exploited the prosecutrix. Subsequent to that she was sent back to her village and she was threatened, that if she discloses about this incident, she will be killed. The same incident again occurred on 13.05.2017. the prosecutrix approached the police and filed her complaint. In later development, the applicant and the co-accused have openly threatened the prosecutrix that she will be raped again. Hence, this case.

Charge-sheet has been filed against the applicant showing him absconding.

6. Considered the submissions made and the contents of the case. Considering on the material present in the case diary and also considering on the copy of the closure report placed for perusal of this Court, similar written complaint was made by the prosecutrix on 16.05.2017, which was enquired into by the Chowki – Bhatgaon, in which the prosecutrix herself recorded her statement on 03.06.2017 that her grand-father was arrested in Crime No.201/2017 for offence under section 306/34, who has instigated then she has lodged false FIR against the applicant.
7. The date of incident in the earlier complaint and in the present complaint both are same. Hence, after due consideration on the facts and circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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 each 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