

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1151 of 2018**

Badan Singh Painkra S/o Jog Singh Aged About 49 Years R/o Village Gangakhurd, Police Station And Tahsil - Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Mahila Police Thana, District - Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1154 Of 2018**

Rupa Painkra W/o Badan Singh Painkra Aged About 43 Years R/o Village- Gangakhurd, Police Station And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Mahila Police Thana- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Anurag Singh, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.17 of 2018 registered at Police Station – Mahila Police Thana, District Ambikapur, for the offence punishable under Sections 376(2)(n), 294 and 506 read with Section

34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants under Section 376 of the IPC. The only offence that can be made out against the applicants is under Sections 294 and 506 of the IPC, which are bailable in nature. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. The prosecutrix has lodged FIR alleging that main accused - Arvind Painkra on pretext of marrying her had exploited her sexually for about 11 months and then refused to marry her. The prosecutrix went to the parents of Arvind Painkra, who are the applicants in this case. It is alleged that the applicants did not receive the prosecutrix in their house and they abused and threatened her.

6. After considering the particular allegation that is present against the applicants, it appears that the applicants' apprehension of arrest for the offence under Section 376 of the IPC is not made out against them. Hence, for these reasons, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge