

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1162 of 2018

- Chandeshwar S/o Musafir Yadav, Aged About 45 Years, R/o Domanhil, Police Station- Chirmiri, District- Korla, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Chirmiri, District- Korla, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Suryakant Mishra, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-11-2018

1. Apprehending arrest in connection with Crime No.152/2018, registered at Police Station – Chirmiri, District- Korla, Chhattisgarh for offence punishable under Section 376(2)(b), 294, 506, 323 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 applicant and the prosecutrix had relationship between 01-06-2014 to 01-06-2018. The prosecutrix is an adult woman of age 40 years. Because of some dispute between the applicant and the prosecutrix, she has lodged the false FIR against this applicant. The daughters of the prosecutrix have given statement in favour of this applicant. 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 submitting that this applicant has criminal history about having been prosecuted in 15 cases, hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged in the case against this applicant that by putting the prosecutrix under threat he established physical relation with her on number of occasions and on the last incident he threatened to kill the daughters of the prosecutrix and also assaulted and caused injuries to the prosecutrix. Hence, the FIR has been lodged in this case.

6. Considered on the material present in the case diary. As it appears that the prosecutrix has refused to get medically examined and on perusing the statement under Section 161 of the Cr.P.C. given by two daughters of the prosecutrix, I feel inclined to allow this application.

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