

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1263 of 2018**

Satyanarayan, S/o. Late Banshidhar Chandra, Aged About 50 Years, Occupation Agricultural and Proprietor Of Satyam Fules, Kosir. R/o. Villagg And Police Station- Kosir, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Ms. Hamida Siddiqi, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

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

1. Apprehending arrest in connection with Crime No.303/2018, registered at Police Station – Dabhara, District – Janjgir-Champa (C.G.) for offence punishable under Section 376, 34, 313 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. There is no allegation as such against the applicant regarding the commission of offence, which has been registered in this case. Further the statement of the prosecutrix under Section 164 of Cr.P.C. also discloses that neither this applicant has sexually exploited the prosecutrix nor he had been involved in the said abortion of her

pregnancy. Therefore, it is prayed 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant and the co-accused persons is this that the co-accused Nand Kumar proposed the prosecutrix to marry her and then married her in a temple and thereafter exploited her sexually on number of occasions and deserted her. Subsequently, the prosecutrix became pregnant and co-accused Nand Kumar by force got her pregnancy aborted. The name of these applicant has appeared in the statement of the prosecutrix when this applicant came along with co-accused when the proposal for marriage was given and this applicant again came to her when she was taken to the village of the co-accused Nand Kumar.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and looking to the evidence present against this applicant in this case, 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