

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1291 of 2018**

Smt. Leelawati Thakur @ Bharti, W/o Santosh Thakur, Aged About 32 Years, R/o. Bandhwapara, P. S. Sarkanda, Bilaspur District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : P. S. Bilha, District- Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Kalyan Kalamkar, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/10/2018**

1. Apprehending arrest in connection with Crime No.270/2018, registered at Police Station – Bilha, District – Bilaspur (C.G.) for offence punishable under Section 376, 354, 323, 506, 379, 34 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. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is real elder sister of the prosecutrix and she has been falsely implicated in this case. 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 prosecutrix has lodged FIR against the main accused Santosh alleging that he has exploited her sexually on various occasions, prepared video and has threatened and blackmailed her. The allegation against this applicant in the statement under Section 161 of Cr.P.C. given by the prosecutrix is this that this applicant has stolen her jewellery, whereas, in the statement given under Section 164 of Cr.P.C., she has stated that when the main accused outraged the modesty of the prosecutrix, this applicant was present on the spot.
6. Considered the submissions made and the contents of the case diary. After considering on the evidence i.e. present against this applicant in the case diary, 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, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram