

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 839 of 2017

- Soman Ram Morya, aged about 45 years, S/o Mr. Bhagirathi Morya, resident of Vill/H. No. 117 Bazaarpara, Amravati, P.S. Makdi, Tehsil Makdi, Dist- Kondagaon (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh: Through- the Police Station Makdi, District- Kondagaon (C.G.).

---- Non-applicant

For Applicant	:Mr. Raza Ali, Advocate.
For the State	:Ms. Smita Ghai, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/04/2018

1. Heard.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with crime No.33/2017 registered at Police Station Makdi, District- Kondagaon (Chhattisgarh) for the offence punishable under Sections 354, 376, 506 of the Indian Penal Code for the grant of anticipatory bail.
3. Learned counsel for applicant submits, that applicant has been falsely implicated in this case for the reason that his relative Ku. Urmila Mandavi had lodged FIR against the person, who is head of the Ashram situated in village Makdi, because of which a false case has been registered against this applicant. He further submits that there is no criminal antecedent against this applicant, no case is made out

against the applicant on the basis of material present in the charge-sheet. Hence, it is prayed that applicant be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application and submits that as there is a written complaint against the applicant and the statement made by the victim herself, therefore, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, FIR was lodged by the prosecutrix that applicant exploited her sexually for about 7 long years and ultimately when he refused to marry her, the FIR has been lodged and according to the FIR lodged against this applicant, between 12.06.2017 to 13.06.2017, on number of occasions this applicant had outraged the modesty of the victim, who was an employee of the said Aashram.
7. Considering the entire material present in the case diary and looking to the fact that the similar offence has been registered against the Head of Aalekh Aasharam, on the basis complaint made by the victim in that case who happens to be the relative of the applicant and the fact that the complaint was made by the relative of applicant prior to the present complaint, hence, I am of the considered view that the applicant should be benefited for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and 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 them on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the

concerned trial Court. The applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge