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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 931 of 2017**

Akash Soni S/o Shri Shankar Lal Soni Aged About 30 Years Caste Sonar OBC R/o Gandhi Chowk Rajnandgaon, Police Station Kotwali, Tahsil And District Rajnandgaon Chhattisgarh Note - Wrongly Mentioned As Village Gandhi Chowk In The Order Sheet, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant	:	Shri T.K. Jha and Shri Aditya Bhardwaj, Advocates.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.02.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 466 of 2017, registered at police station – Kotwali, District - Rajnandgaon, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
3. Learned counsel for the applicant submit that the applicant is innocent and has been falsely implicated in this case. The applicant and the prosecutrix had a dispute between them as the prosecutrix has some

relationship with one Gym instructor. False FIR has been lodged by the prosecutrix for the purpose of blackmailing this applicant by demanding Rs.25,00,000/- to withdraw the case against him. The brother of this applicant has filed a complaint before Superintendent of Police, Rajnandgaon which is under enquiry. The prosecutrix is habitual in making such complaints and blackmailing. She had earlier lodged one FIR against one Duleshwar Chandrawanshi which she has withdrawn by entering into the compromise with the accused in that case hence, under these circumstances, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. No case is made out for grant of anticipatory bail in favour of the applicant.

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

6. The case against the applicant is that the prosecutrix got acquainted with the applicant and he used to call her on phone asking to come to his gym. On the date of incident, when the prosecutrix went to the gym of the applicant at about 2:30 pm, the applicant caught hold of her and raped her and thereafter, also assaulted and abused her. The prosecutrix went back to her office and then she went to police station, and after sometime has lodged FIR.

7. On perusal of the case-diary, it appears that no injury has been found on the body of the prosecutrix with regard to commission of rape. The

allegation made by this applicant that the prosecutrix is blackmailing him also needs an enquiry. Taking into consideration the facts and circumstances of the case, I am of the considered view that the present is a fit case where the applicant should be benefited with 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 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 them 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