

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1373 of 2018**

- Raj Kumar S/o Bisahulal Chandra aged about 60 Years R/o Village Kalmidih, Police Station and Tahsil Jaijaipur, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dabhra, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate.

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/11/2018

1. Apprehending arrest in connection with Crime No.303/2018, registered at Police Station –Dabhra, District – Janjgir-Champa(C.G.) for offence punishable under Sections 376 r/w Section 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 him according to the evidence collected in the investigation, hence, it is prayed that applicant 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. It is submitted that name of this applicant has appeared in the statement of prosecutrix under Section 161 of CrPC, according to which he has assisted in the commission of offence by the main accused person. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As it is alleged that main accused Nand Kumar allured the prosecutrix with false promise to marry her and then exploited her sexually on number of occasions, because of which she became pregnant and then applicant finally refused to marry her. Statement given by prosecutrix against this applicant is only, that he had accompanied the main accused and the prosecutrix when she was taken to her parents house.
6. After considering on all the material present in the case diary, I am of this opinion that the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 his 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 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

Nisha_