

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A) No. 1388 of 2018**

Anjelus Kachchhap, S/o Francis Kachchhap, Aged About 43 Years,
 Profession Padri, R/o. Village Junadih, P. S. Darima, Tehsil Ambikapur
 District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondents

M.CR.C.(A) No. 1399 of 2018

Francis Kerketta, S/o. Antonis Kerketta, Aged About 61 Years, Profession Retired Government Employee, R/o. Godhanpur, P. S. Gandhinagar, Tehsil Ambikapur District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondents

AND**M.CR.C.(A) No. 1456 of 2018**

Remis Bada, S/o. Joseph Bada, Aged About 58 Years, R/o. Patelpara, P. S. Gandhinagar, Tehsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondents

For Applicants : Mr. Sunil Otwani, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/12/2018**

1. All the bail applications are heard and decided together by this common order as they are arising out of same criminal case and the incident.
2. The applicants in all the cases are apprehending arrest in connection with Criminal Case No.476/2017, pending before the Court of Judicial Magistrate First Class, Ambikapur, District – Surguja for the offence punishable under U/s.365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code, have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. There is no evidence of their involvement in the commission of crime in question. Similarly placed co-accused persons have been enlarged on anticipatory bail by this Court. Therefore, it is prayed the applicants may also be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant Suman Khakha has lodged FIR on 02.12.2010 alleging that these applicants conspired and abducted her and then kept in confinement inside the jungle for about one year. After The complainant some how made his escape and then lodged the FIR. The police has filed closure report on that case. Subsequent to which, the complainant has filed private complaint before the Court in which the trial Court has taken cognizance for trial of these applicants along with other co-accused under the offence punishable under Section 365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code.
7. After considering on all the material present on record and further taking into consideration this fact that similarly placed co-accused persons have been enlarged on anticipatory bail by this Court itself, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram