

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1540 of 2018

- Pradeep Rajak S/o Balmukund Rajak aged about 19 Years Caste Dhobi, R/o Village Khorma (Kenapara) P. S. and Tahsil Pratappur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Pratappur, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

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

14/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.165/2018 registered at Police Station-Pratappur, District – Surajpur(C.G.), for the offence punishable under Sections 354, 294, 323, 506 read with Section 34 of the Indian Penal Code (for short 'IPC') and under section 12 of POCSO Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. His name is not described in the FIR and the statement under Section 161 of CrPC recorded by the concerned police. One of the witnesses has later on made a

development in her statement under Section 164 of CrPC naming this applicant as one of the persons, therefore, the case against this applicant is concocted, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence against this applicant regarding the commission of act of outraging the modesty of the victim, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The incident is this, that on 17.9.2018 at about 20 pm in the evening during the procession of immersion of Ganesh idol main accused Sonu @ Sushil Kumar Paikra outraged the modesty of the victim by using force on her. Name of this applicant has not appeared in the FIR or in the statement under Section 161 of the witnesses.
6. As it has been appeared that name of this applicant has appeared in the later on development, therefore, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge