

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1534 of 2018**

Bhanu Pratap, S/o. Late Ajar Singh Kanwar, Aged About 24 Years, R/o. Village Chuiya, Tahsil and District -Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Balco Nagar, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Krishna Kumar Dewangan, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/12/2018**

1. Apprehending arrest in connection with Crime No.468/2018, registered at Police Station – Balco Nagar, District – Korba (C.G.) for offence punishable under Section 354, 506 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 the applicant according to the evidence present in the case diary. The applicant and the victim, who is married lady, both of them have compromised and victim has consented to withdraw the FIR lodged against this applicant. This fact was brought to the notice of the Court below, which is mentioned in the order rejecting

anticipatory bail application. Certified copy of the compromise deed of this applicant and the victim/complainant is also attached along with this bail application for perusal of this Court. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail submitting that looking to the nature of the case and the allegation against this applicant, the applicant is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that on the date of incident, the applicant caught hold of the victim and was pulling her towards the jungle, when she raised alarm and made her escape. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary and also perused the order of the Court below and certified copy of the compromise. The Court below has mentioned about the compromise, this compromise may need further verification, but for the present, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant for the reason that some development has taken place in favour of the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge