

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1557 of 2018**

1. Brij Bai, W/o. Rajjulal, Aged About 55 Years
2. Togeshwar, S/o. Rajjulal, Aged About 32 Years,
3. Okeshwar, S/o. Rajjulal, Aged About 24 Years,

All were R/o- Village- Binouri, P.S.- Pallari, District- Baloda-Bazar-
Bhatapara, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through- S.H.O. Pallari, District- Baloda- Bazar-
Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Hemant Gupta, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/12/2018**

1. Apprehending arrest in connection with Crime No.419/2018, registered at Police Station – Pallari, District – Baloda Bazar – Bhatapara (C.G.) for offence punishable under Section 363, 366, 376/34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants. According to the facts present, the offence at the most that will be made out would be under Section

212 of the Indian Penal Code and the allegation made are against co-accused Pikeswar regarding the offence of abduction and rape. Therefore, it is prayed the applicants may 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.
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 23.05.2018, co-accused Pikeswar abducted the prosecutrix and visited different places, where he established physical relation with her on number of occasions and at the last both of them came to the house of the applicants and found shelter. After lodging of missing report, prosecutrix was recovered from the custody of the co-accused and thereafter, the FIR has been lodged in this case.
6. Considered the submissions made and the contents of the case diary. After considering on the evidence present in the case diary against these applicants, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
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 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 Investigating Officer. 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