

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 66 of 2019

- Rishi Kumar Chandrakar S/o. Shri Bharatlal Chandrakar, Aged About 32 Years, R/o Village- Narouli Nanpuri, Thana and Tahsil- Pandariya, Civil And Revenue District- Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kunda, Civil & Revenue District- Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2019

1. Apprehending arrest in connection with Crime No.209/2018, registered at Police Station – Kunda, District- Kabeerdham, Chhattisgarh for offence punishable under Section 376, 450, 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix has lodged the FIR under the pressure of her husband and other relatives and now she has filed affidavit in support of the applicant making true disclosure of the incident and her no objection for grant of anticipatory bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, this applicant committed house-trespass and then putting the prosecutrix under threat committed offence of rape with her.

6. The prosecutrix had herself appeared before this Court on 15-02-2019 when the order was passed, that let the police record the statement of the prosecutrix, and her statement has been recorded by the police which is present in the case diary. It has appeared that she had made statement under the pressure of her husband and that she does not prosecute the applicant. Hence, looking to this development, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge