

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 173 of 2019

- Vishwajeet Vyapari S/o Late Mangalchandra Vyapari, Aged About 45 Years, R/o- Village- Chathirma, P.S.- Gandhinagar, Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, (Ajaks) Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjeev Verma, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-02-2019

1. Apprehending arrest in connection with Crime No.18/2017, registered at Police Station – आजक (Ajak) Ambikapur, District- Surguja, Chhattisgarh for offence punishable under Section 376 (2) (N), 313, 34 of the IPC and Section 3 (2-V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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 this applicant. Main accused in this Case Rishikesh Dubey has been granted anticipatory bail by this Court and the case of this applicant is even better than that, therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is member of Scheduled Tribe. Therefore, the application is not maintainable.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the case against this applicant and the co-accused, the co-accused had physical relation with the prosecutrix continuously from the year

2012 to 2015, during which the prosecutrix became pregnant. It is alleged that her pregnancy was aborted by the co-accused with the help of this applicant who provided him some medicine in that respect.

6. Considered on the entire material present in the case diary and also considered that main accused Rishikesh Dubey has been granted anticipatory bail, therefore, in view of this Court, the applicant is also entitled for same relief.

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