

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 484 of 2019**

Anil Verma S/o A. M. Verma Aged About 26 Years R/o CSEB Colony,
Kailash Vihar, P. S. Darri, Tahsil Katghora, District Korba Chhattisgarh,
District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Ajak, District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 167 Of 2019**

1. Radhelal Verma S/o Darsram Verma Aged About 55 Years Caste Gabhel,
R/o Station Talab Par, Ward No. 03 Kharsiya, District Raigarh Chhattisgarh,
District : Raigarh, Chhattisgarh
2. Chudamadi Gabhel S/o Dharam Singh Aged About 39 Years Caste Gabhel,
R/o Bagodih, Tahsil Kharsiya, District Raigarh Chhattisgarh, District :
Raigarh, Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station
Ajak, District Korba Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Shubham Tripathi, Advocate.
For the Respondent/State	:	Shri Mahesh Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.02.2019**

Heard.

1. Both these applications are being decided by this common order as they arise from the same incident. M.Cr.C. No. 484 of 2019 is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973

by the applicant for grant of regular bail to him, who has been arrested in connection with Crime No. 19 of 2018, registered at Police Station – AJAK, District – Korba, Chhattisgarh for the offences punishable under Sections 376, 294 and 506/ 34 of the Indian Penal Code and Sections 3(2)(5)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. M.Cr.C.(A) No. 167 of 2019 is the first bail application under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with the aforesaid offence.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The prosecutrix has clearly admitted that she had an affair with applicant - Anil Verma since about 4 years. The applicant had never made a false statement regarding promise to marry the prosecutrix. Because of some disputes, the prosecutrix has made false allegations which is without any substance. The investigation in this case is almost complete. Hence, it is prayed that the applicant be grant regular bail.

On behalf of applicant - Radhelal Verma in M.Cr.C.A. No. 167 of 2019, it is submitted that there is no evidence against him regarding the commission of all the offences, therefore, he is totally unconnected with the case. Chudamani was simply a witness of the affidavit sworn by Anil Verma. Hence, it is prayed that applicants – Radhelal Verma and Chudamadi Gabhel in M.Cr.C.(A) No. 167 of 2019 be benefited with grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. Main accused -

Anil Verma has committed the offence of rape with the prosecutrix on numerous occasions and also abused and insulted her for the reason that the prosecutrix belongs to Scheduled Caste. Applicant No.1 - Radhelal Verma has conspired with the other accused persons and further Applicant No.2 - Chudamadi was the person who was present and had testified the execution of documents which the complainant claims to be false and forged. Hence, for these reasons, none of the applicants deserve to be enlarged on regular/ anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against applicant - Anil Verma is that he allured the prosecutrix aged about 20 years with a false promise to marry her and then established physical relation with her. This physical relationship continued for about 4 years and one affidavit was also given by applicant - Anil Verma that he will marry with the prosecutrix within two months but then he failed to fulfill the promise. Thereafter, the prosecutrix has lodged FIR.

6. Considered the material present in the case-diary. It is a case of an affair which has extended up to 4 years. The prosecutrix herself is a major lady aged more than 18 years and for the reason that the investigation is near in completion. Hence, it is a fit case where applicant - Anil Verma in M.Cr.C No. 484 of 2019 is entitled to be released on regular bail.

With respect to the applicants in M.Cr.C.(A) No. 167 of 2019, the allegation against applicant No. 1 - Radhelal Verma is to the extent that he helped main accused - Anil Verma to avoid fulfillment of promise and

applicant No. 2 - Chudamadi Gabhel, who was a witness to the affidavit sworn by applicant - Anil Verma and the prosecutrix. Hence, considering the evidentiary value of these statements, I feel inclined to grant anticipatory bail to both the applicants.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. It is directed that applicant – Anil Verma in M.Cr.C. No. 484 of 2019 shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

9. Accordingly, the anticipatory bail application of applicants – Radhelal Verma and Chudamadi Gabhel in M.Cr.C.(A) No. 167 of 2019 is allowed and 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge