

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 277 of 2019

- Sanjay Bisai S/o Tularam Bisai, Aged About 26 Years, R/o Village Chandli, P.S.- Kotpad, District- Koraput, Orissa., District : Koraput, Orissa

---- Applicant

Versus

- State of Chhattisgarh Through- P.S.- Nagarnar, District- Bastar, Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Mayank Chandrakar, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.141/18, registered at Police Station – Nagarnar, District- Bastar, Chhattisgarh for offence punishable under Section 366, 376 read with Section 34 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. The allegation against this applicant is this, that he had been in the company of other accused persons and one of the accused namely Murli Harijan has married with the prosecutrix. The prosecutrix herself is 24 years old woman. On these facts, the co-accused persons have been granted regular bail by the coordinate Bench of this Court. The applicant has a better case. Therefore, it is prayed that this 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, the prosecutrix was abducted by the co-accused persons with the help of this applicant in a vehicle. The prosecutrix was taken to Orissa where she was raped by co-accused Murli Harijan. Hence,

this case.

6. Documents have been attached with the application to show that the prosecutrix has married with the co-accused person, which has been mentioned in the order passed by the coordinate Bench of this Court, therefore, for the reason that this applicant is not the main accused and similarly placed co-accused have been granted regular bail, 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