

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 563 of 2019**

Vijay Kumar S/o Ramkhelawan Aged About 30 Years R/o Pendari (Jhumelapara), Police Station Basantpur, Chouki Wadrafnagar, District - Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Basantpur, Chouki Wadrafnagar, District - Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pandey, Advocate.
For the Respondent/State : Shri Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 80 of 2018, registered at Police Station Basantpur, District Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 109, 376(2), 417 and 506 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. This applicant has played no role in the said commission of offence. He has been falsely implicated only on the one statement given by the accused that he will hurt the complainant/ prosecutrix in which this applicant and others will help him. Hence, it is prayed that the applicant is entitled for grant of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

6. According to the complaint filed, the main accused Mahendra Singh allured the prosecutrix with a promise to marry her and exploited her sexually for about one year. It is alleged that the main accused threatened the prosecutrix that in case she does not submit to his wishes he will hurt her in which this applicant and other co-accused persons will help him. Hence, this case.

7. Considering the entire material present in the case-diary, I am of the view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge