

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 577 of 2019**

Munnu Khan @ Naim Khan S/o Late Rahimulla Khan (R.M. Khan) Aged About 45 Years R/o Tarbahar, Khudi Ram Bose Chowk, Police Station Tarbahar, Tahsil And District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Hamida Siddiqui, Advocate.
For the Respondent/State	:	Ms. Madhunisha Singh, P.L.
For the Objector	:	Shri Nitesh Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C.(A) No.426 of 2019 dated 19.3.2019. The applicant is apprehending arrest in connection with Crime No. 45 of 2019, registered at Police Station – Tarbahar, District – Bilaspur, Chhattisgarh for the offences punishable under Section 354 & 114 of the Indian Penal Code and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is now places stress upon the ground that his wife is terminally ill suffering from cancer of uterus and he has to do the needful as early as possible. Document Annexure-A/7 has been filed which is a reference letter to the doctor of Tata Memorial Hospital, Mumbai, a Centre for treatment of cancer patients. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail. In the alternative, it is also prayed that if the Court is not inclined for grant of regular anticipatory bail, he may be granted temporary bail for 15 days.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that no case is made out for grant of regular anticipatory or temporary anticipatory bail to the applicant.

5. Learned counsel for the Objector adopts the arguments submitted by the State counsel and submits that the documents filed by the applicant are not very convincing therefore, the application be rejected.

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

7. After considering the case against the applicant, I feel inclined to allow the prayer for grant of interim anticipatory bail only.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is disposed off. 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. This order shall remain effective for a period of 15 days. The police shall have the liberty to arrest the applicant after the expiry of 15 days.

Certified copy of the order today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge