

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 622 of 2019

- Kamlesh Rao, S/o Late Khemrao, Aged About 30 Years, R/o Devnagar Police Station-Koni- District- Revenue & Civil Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Koni- District- Revenue And Civil Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Jhanwar, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.384/2018 registered at Police Station-Koni, District (Revenue & Civil)- Bilaspur(C.G.), for the offence punishable under Sections 376, 498A & 506 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The complainant in this case is wife of this applicant, who has made allegation against the brother of this applicant. The only allegation against this applicant is this that he did not believe in the complaints made by the complainant, therefore, false allegations against him have been made by the complainant, hence, it is prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has clearly alleged that the complainant made allegations against her brother-in-law that he has raped her. This applicant disbelieved her, thrashed her and thrown her from her matrimonial home, hence, applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, this applicant is a person suffering from mental unsoundness and taking benefit of this situation the brother of this applicant namely Vivek Jadhav exploited the complainant sexually without her consent and willingness by putting her under threat. When complainant made complaint about this to this applicant, he thrashed her and threw her out.
6. After considering the material present in the case diary, allegation levelled against this applicant and also considering that he is a mentally challenged person, I am inclined to allow application of this applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha