

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 679 of 2019

- Vikky Singh, S/o Shri Man Singh, Aged About 34 Years, R/o Sector- 6, Thana-Police Line, Bhilai, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Mohan Nagar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Ms. N.K. Shukla, Sr. Advocate with Mr. Shailendra Shukla, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.
For Objector	:	Mr. R.N. Mukherjee, Advocate.

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

13/05/2019

1. This is 2nd bail application of this applicant for grant of anticipatory bail.
His first application MCRC(A) No.1258 of 2018 was rejected vide order dated 06.10.2018.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.374/2018 registered at Police Station-Mohan Nagar, District – Durg(C.G.), for the offence punishable under Sections 342, 376 r/w Section 34 of the Indian Penal Code.
3. Learned counsel for applicant submits that applicant is innocent and

has been falsely implicated in this case. It is submitted that under some misconception the prosecutrix has lodged the FIR. Now the prosecutrix herself is interested that the appellant should get anticipatory bail, therefore, she has filed an affidavit and she is also personally present before this Court to make a statement in this respect, hence, it is prayed that applicant may be released on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that already there is a finding by this Court that the applicant is not entitled for grant of anticipatory bail, therefore, the application be rejected.
5. Heard both the parties and perused the case diary.
6. As the application has already been decided on merits, therefore, there is no need to consider it on merits again. Further, this application is brought totally on a new and different ground that the prosecutrix is now making a statement of no objection before this Court.
7. After verifying the statement of the prosecutrix from herself in detail, I feel inclined to allow this application.
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 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