

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 647 of 2019**

Deepak Singh, S/o. Ugrasen Singh, Aged About 20 Years, R/o. Munibab Gali, Jabdapara, Sarkanda Police Station -Sarkanda, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/05/2019**

1. Apprehending arrest in connection with Crime No.69/2019, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 354, 354 (D), 509(B), 294, 506 of the Indian Penal Code and Section 8, 12 of Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The complainant has lodged FIR under some misconception. The complainant/victim in this case is herself present before the Court to rectify her mistake by making a statement of no objection. Therefore, it is prayed that the applicant may be granted anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that

in this case, the victim is still minor, therefore, no objection statement made by her should not be accepted by this Court.

4. The victim Nandini Sisodiya is present before the Court. She has been identified by the counsel for the applicant. She has stated before this Court that she has by mistake lodged the FIR under the pressure given by her parents. She has also stated that on the contrary she has a liking for the applicant, therefore, she has no objection, if the, anticipatory bail is granted to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. FIR has been lodged that this applicant was continuously harassing the victim of this case and posted her photographs in social media whatsapp and also used physical force to outrage her modesty. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary and particularly the statement of the victim herself made before this Court, who has been duly identified by the counsel for the applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram