

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 798 of 2019**

Manish Rathore, S/o. Late Mohan Singh Rathore, Aged About 32 Years,
Caste -Kshatriya, R/o. Banglapara, Narayanpur, Tehsil/district Narayanpur
Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Sushil Dubey, Advocate
For Respondent	: Mr. Aaditya Sharma, P.L.
For Complainant/victim	: Mr. Ravindra Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/06/2019**

1. Apprehending arrest in connection with Crime No.70/2019, registered at Police Station – Narayanpur, District – Narayanpur (C.G.) for offence punishable under Section 341, 354-B, 294, 323 of the Indian Penal Code, 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. No case is made out against the applicant on the basis of the material present in the case diary. The victim- Pratima Salam has withdrawn her complaint and she is willing to make a statement before this Court regarding withdrawal of complaint and that she has no objection in grant of

anticipatory bail to the applicant. 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.
4. Victim – Pratima Salam is present before this Court and also has submitted her AADHAR Card for identification. She has been identified by the counsel appearing on her behalf. She has stated before the Court that she had not made any complaint against the applicant. Further she has no objection in grant of anticipatory bail 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. According to the FIR lodged in this case, it is alleged that this applicant has wrongfully restrained, abused, molested and assaulted the complainant. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the contradictory statement made by the complainant herself before this Court, 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