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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 922 of 2019**

Ritesh Shrivastava S/o Shri Ramnarayan Shrivastava Aged About 24 Years R/o Village Ghuru Thana - Sakri, Tahsil Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sakari, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sumit Shrivastava, Advocate.
For the Respondent/State	:	Shri Lav Sharma, P.L.
For the Objector	:	Shri Navin Shukla, Advocate alongwith Shri Sakib Ahmed, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.06.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 132 of 2019, registered at Police Station – Sakri, District Bilaspur, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence as it is alleged in the FIR lodged against him. The prosecutrix herself sworn

an affidavit making statement that she was lodged a false FIR against the applicant and that she has no objection if the applicant is granted anticipatory bail. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. However, he admits that on verification it was found that the prosecutrix has made a statement in support of the applicant.

5. Learned counsel for the Objector submits that the prosecutrix has made a statement that she has no objection if the applicant grants anticipatory bail.

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

7. Earlier, the FIR has been lodged by the prosecutrix but at present, the basis of the circumstances that have developed in this case by filing an affidavit by the prosecutrix which has been verified and found proved and also the counsel on behalf of the prosecutrix making a statement before the Court in support of the applicant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

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

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. He 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 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