

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1010 of 2019

- Sandeep Kumar Kurrey S/o Ramphal Kurrey, Aged About 23 Years, R/o Village- Baloda, Ward No.01, Occupation (Constable) No. 1684 Sandeep Kumar Kurrey, Chhattisgarh State Housing Police Department, Superintendent of Police S.T.F. Baghera, Durg, Chhattisgarh, Police Station- Baloda, District- Janjgir-Champa, At Present Paalnaar Dantewara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Collector- Janjgir, Police Station- Baloda, District- Janjgir-Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pawan Kesharwani, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Shri Vaibhav A. Goverdhan, Advocate for the victim.

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

01-07-2019

1. Heard.
2. Admit.
3. Heard on grant of Ad-interim anticipatory bail.
4. Learned counsel for the non-applicant/State submits that the case diary is available, therefore, the application for grant of anticipatory bail can be heard finally.
5. In view of the aforesaid submission, the matter is being heard finally.
6. Apprehending arrest in connection with Crime No.92/2019, registered at Police Station Baloda, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 376 of the IPC, the applicant has preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
7. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The FIR has been lodged by the prosecutrix under some misconception. The prosecutrix has then realized and come before

this Court to make statement in favour of the applicant. She has also filed affidavit in support of the applicant and the application for grant of anticipatory bail. Therefore, it is prayed that the application may be benefited with grant of anticipatory bail.

8. Learned counsel for non-applicant/State opposes the application.

9. The prosecutrix is present in person and represented by the counsel. She has been identified by the counsel appearing on her behalf. The prosecutrix present in person has made statement that she has no objection if anticipatory bail is granted to the applicant.

10. Heard learned counsel for the parties and perused the case diary.

11. The FIR has been lodged by the prosecutrix that the applicant has raped her.

12. After considering the material present in the case diary and also considering that the prosecutrix present in person before this Court has made statement in favour of the applicant, I feel inclined to allow this application.

13. Accordingly, the anticipatory bail application is allowed. 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.

14. The application stands disposed off at the motion stage.

15 Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge