

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1083 of 2019

- Aditya Vaishnav S/o Nandkishore Vaishnav, Aged About 32 Years, R/o Tahsil Chowk Lormi, Ranigaon, P.S.- Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station- Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

1. Apprehending arrest in connection with Crime No.163/2018, registered at Police Station – Lormi, District Mungeli, Chhattisgarh for offence punishable under Section 363, 366, 376 of the IPC and Section 4 & 6 of the POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant was granted anticipatory bail by this Court itself in the same crime number in MCRCA No.591 of 2018 by order dated 18-05-2018 on the basis of the statement of the prosecutrix under Section 164 of the Cr.P.C. The offence that were registered against the applicant at that time were only under Section 363 & 366 of the IPC. In subsequent development one another statement of the prosecutrix was recorded later on in which she has made allegations regarding commission of offence of rape etc., therefore, very clearly it is a concocted case. Therefore, it is prayed that the applicant may be granted anticipatory bail again.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement of the prosecutrix under Section 161 of the Cr.P.C. no case is made out for grant of anticipatory bail.

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

5. The FIR was lodged against the applicant which was registered only for offence under Section 363 and 366 of the IPC. Thereafter, on the basis of the statement of the prosecutrix under Section 164 of the Cr.P.C. this Court was pleased to grant anticipatory bail to the applicant in MCRCA No.591 of 2018 by order dated 18-05-2018.

6. The statement under Section 164 of the Cr.P.C. was recorded on 13-04-2018. Subsequent to that, another statement of the prosecutrix was recorded on 15-04-2018 in which the prosecutrix has made whole narration of the incident which she omitted to state in her statement under Section 164 of the Cr.P.C. The applicant has already been protected by the earlier order of this Court and looking to further extension that has been made in the registration of the offence and these circumstances of this case, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil