

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1100 of 2019**

Jageshwar Yadav S/o Nanka Yadav Aged About 32 Years Caste Aheer,
Occupation Labour, R/o Village Patkura, Police Station Lakhanpur, Chowki
Kunni, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja
Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri Shrikant Kaushik, P.L.
For the Complainant	:	Shri Neeraj Pradhan, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.08.2019**

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. 93 of 2019, registered at Police Station – Lakhanpur, District – Surguja, Chhattisgarh for the offences punishable under Sections 456, 354, 354(A) and 363 of the Indian Penal Code, Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The complainant has lodged a false FIR against this applicant. Later on, when the complainant has realized her fault she had herself appeared before the Court below making a statement of no objection in grant of anticipatory bail to the applicant which was not considered. Complainant – Kunwaro Bai and the victim herself are present before this Court to make a similar statement. 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. It is submitted that according to the FIR lodged, there are serious allegations against the applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Complainant – Kunwaro Bai, wife of Amrit is present before this Court alongwith the victim. She has been identified by the counsel appearing for her. She made a clear statement that she has no objection in grant of anticipatory bail to the applicant.

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

7. FIR has been lodged against the applicant by complainant – Kunwaro Bai that on the date of incident, this applicant forcefully entered into the house of the victim, thereby outraged her modesty and caught hold of her and dragged her to the nearby jungle. On raising alarm, the applicant left the victim and ran away.

8. Considered the fact that complainant – Kunwaro Bai and the victim both are present before this Court and made a statement that they have no objection in granting anticipatory bail to the applicant. Further, the appearance of the complainant is also mentioned in the rejection order. Hence, for these reasons and looking to the development that has taken place, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

9. 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