

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A) No. 1265 of 2018**

Jekerias Kujur, S/o. Philip @ Bhuglu Kujur, Aged About 65 Years, R/o. Bisaph House, Police Station- Gandhinagar, Tehsil- Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondents

For Applicant : Mr. Sunil Otwani, Advocate

For Respondent/State : Mr. A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/01/2019**

1. The applicant is apprehending arrest in connection with Criminal Case No.476/2017, pending before the Court of Judicial Magistrate First Class, Ambikapur, District – Surguja for the offence punishable under U/s.365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code, 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. Similarly placed co-accused persons have been granted bail by this Court.

Therefore, it is prayed the applicant may also be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect.
4. The respondent No.2, complainant is not represented.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant, respondent No.2 has lodged FIR on 02.12.2010 making allegation against the applicant and others that he was abducted and kept in confinement inside the jungle for one year. The police after investigating the case filed a closure report subsequent to which private complaint has been filed before the Court, in which cognizance has been taken for prosecution of this applicant and others. Hence, this case.
7. After considering on all the material present on record and further taking into consideration this fact that similarly placed co-accused persons have been enlarged on anticipatory bail by this Court itself, hence for this reason, 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. are 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 trial Court. 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