

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1561 of 2018**

Guruprasad @ Gajju, S/o. Bishali, Aged About 28 Years, Caste- Satnami,
R/o- Village- Khapri Khurd, P.S. and Tahsil- Lormi, District- Mungeli,
Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Out Post- Chilphy,
P.S.- Lormi, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Akhtar Hussain, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/01/2019**

1. Apprehending arrest in connection with Crime No.290/2018, registered at Police Station – Lormi, Out Post - Chilphy, District – Mungeli (C.G.) for offence punishable under Section 363, 366, 376, 506, 323, 366 (A), 417, 376 (2) and Section 450/34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act, the applicant 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. No case is made out against the applicant on the basis of the material present in the case diary. The main accused in this case, who has committed the offence of abduction and rape is Deepak Bandhade, the only statement against this applicant is this that he assisted the main

accused and the victim in finding a place to stay in Uslapur. The applicant has not committed any offence,. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, the minor prosecutrix was abducted by the co-accused Deepak Bandhade and brought to Bilaspur. On asking of the main accused, this applicant has helped him to find place for their stay. Hence, this case.
6. Considered the submissions and the contents of the case diary. Considering on the entire material present in the case diary and the role played by this applicant, who assisted the main accused in finding the place only and he has not a party to the offence of abduction or rape. Hence, after due consideration this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram