

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1638 of 2018

- Sandeep Kumar Sahu S/o Kuldeep Sahu, Aged About 30 Years, R/o Village- Rampur, Tahsil And Police Station- Kartala, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- SC & ST Kalyan, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anjali Singh Chouhan, Advocate on behalf of Shri G.S. Ahluwalia, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-01-2019

1. Apprehending arrest in connection with Crime No.9/2018, registered at Police Station – SC & ST Kalyan Police Station, District- Raigarh, Chhattisgarh for offence punishable under Section 493 & 376 of the IPC and 3(1)(w) & 3(2)(v) of SC and ST (Prevention of Atrocities) 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 has been falsely implicated in this case. The prosecutrix was a major lady aged about 28 years and since the time of incident she had been consenting party regarding physical relation that has taken place between them for some time. As the applicant has married to some other girl, because of which the prosecutrix out of revenge has lodged this false FIR against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is a member of Scheduled Tribe and this applicant allured her with false promise to marry her and exploited her sexually

for almost 5 years. Therefore, he is not entitled for grant of anticipatory bail.

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

5. The case against the applicant is briefly discussed hereinabove.

6. It is clear that the prosecutrix had been a major lady since the date on which the incident started and the grievance of the prosecutrix occurred when she found that the applicant has married some other girl instead of her. Hence, after due consideration, 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