

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 270 of 2020

1. Mahmood Fulara S/o Taiyub Fulara Aged About 50 Years R/o Village Basna, Tahsil Basna, District Mahasamund, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh

---- Respondent

MCRCA No. 827 of 2020

1. Hemkumar Sav S/o Late Shri Harishankar Sav Aged About 19 Years R/o Ward No. 14 P.S. Basna, District Mahasamund Chhattisgarh.

---- Applicant

Versus

1. The State Of Chhattisgarh Through Station House Officer Of Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	Mr. Shailendra Dubey, Advocate
For Respondent /State	Mr. Sudeep Agrawal, Dy. Adv. General
For Objector	Mr. Vaibhav Goverdhan, Advocate

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

28/8/2020

1. Since both the applications arising out of same crime number i.e. Cr. No.39/2020 they are being considered and decided by this common order.

2. The applicants have preferred these applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.39/2020 registered at Police Station Basna, District Mahasamund, for offence punishable under Section 363, 354, 454 & 506 read with Section 34 of the Indian Penal Code and Section 8 of the POCSO Act, 2012.
3. Applicants abducted the prosecutrix and outraged her modesty inside the car and thereafter, took her to a lonely place and tried to commit rape upon her.
4. Shri Shailendra Dubey, learned counsel appearing for the applicants, would submit that the FIR was registered on some confusion due to old dispute amongst the parties, as they are residents of the same place. He would further submit that the prosecutrix and her mother have expressed their desire not to prosecute the applicants any further and in support of the same, the mother of the prosecutrix has filed an affidavit.
5. Shri Vaibhav Goverdhan, learned counsel, is appearing for the mother of the prosecutrix. He has moved an intervention application supporting the prayer made in the bail applications.
6. On 10-8-2020 this Court directed the Investigating Officer to record the statement of the mother of the prosecutrix and the prosecutrix as well vis-a-vis the affidavit filed by Manjulata Panda.
7. Shri Sudeep Agrawal, learned Dy. Advocate General appearing for the State, would inform that during verification process the prosecutrix and her mother have made statements that they do not want to prosecute the FIR any further.

8. Considering the entire facts situation of the case and further considering the fact that the applicants have already been enlarged on ad-interim bail, this Court is inclined to release the applicants on anticipatory bail.
9. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
- (a) they shall make themselves available for interrogation by a police officer as and when required;
 - (b) they 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.
 - (c) they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri