

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 609 of 2020

Anwar Sheikh S/o Shri Jamir Sheikh, aged about 51 years, R/o Gram Birgahni Chowk (Devantan) P.S. Janjgir, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/07/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 189/2020, registered at Police Station: Janjgir, District: Janjgir-Champa (C.G.) for the offence punishable under Section 377, 506 of IPC and Section 06 of POCSO Act.
3. According to the case of the prosecution, on 16.04.2020, a report has been lodged by the victim/complainant who is a boy aged about 14 years wherein, it has been alleged that the Applicant has took the victim/complainant in a lonely place and committed unnatural sex with him and threatened for dire consequences. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case due to some dispute. He submits that according to the victim, he had told his friends about the incident after 2-3 days and statements of his friends have not been recorded under Section 161 of Cr.P.C. and report was lodged by the complainant after 10 days of the incident. He also submits that in the medical report of the victim/complainant no external or internal injury were found, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties, particularly considering that no bodily injuries were found in the medical report and the FIR was lodged after 10 days of the incident, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge