

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 893 of 2020

Rajesh Kumar Sahu S/o Bhagwan Das Aged About 40 Years R/o Anjo Khurd, Police Station Patna, District Koriya, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Patna, District Koriya, Chhattisgarh

---- Respondent

For Applicant : Anil Gulati, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/09/2020

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. 120/2020, registered at Police Station Patna, Distt. Koriya(C.G.) for the offence punishable under Sections 354, 354(क), 354(ख), 448 & 506 of the IPC.
3. In this case, the prosecutrix is a major and married lady. On 05.05.2020 when she was in her house, at that time the applicant came there and threw a letter at her door wherein he wrote to meet alone with the prosecutrix, the said letter was also read by mother-in-law of the prosecutrix. Later on the prosecution told her husband about the said letter and the matter was reported. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the

present case due to some previous dispute with the complainant party. The Counsel further submits that initially on 05.06.2020, prosecutrix made a report against the applicant and on the basis of said report the applicant has been prosecuted under Section 151, 107 & 116(3) of Cr.P.C. by the Executive Magistrate and on 07.06.2020, preliminary order was passed and on the basis of istgasa the statements of the prosecutrix and her husband were recorded on 06.06.2020 before Executive Magistrate wherein, the prosecutrix and her husband did not mention a single word about commission of offence, subsequently on 11.06.2020, the prosecutrix came with another story to falsely implicate the applicant for non-bailable offence. Hence, 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, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the statements of prosecutrix and her husband recored on 06.06.2020 before the Executive Magistrate. 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 for a sum of Rs. 25,000/- with one solvent 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 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