

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1194 of 2020

Pokhraj Sahu S/o Shri Ram Chandra Sahu, Aged About 20 Years, R/o Village - Barahmuda, Post - Indori, Tahsil - Kawardha, Police Station - Pipariya Civil And Revenue District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge Police Station – Sarkanda, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Devesh G. Kela, Advocate.
For Respondent/State	: Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

01.10.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.425/2020, registered at Police Station: Sarkanda, District: Bilaspur (C.G.) for the offence punishable under Section 341, 328, 376 (2) (h), 354 & 34 of IPC.
3. In this case, the prosecutrix is a girl aged about 21 years. According to the case of prosecution, on 02.05.2020, a report was lodged by the prosecutrix against the present Applicant and other co-accused persons, alleging therein that, in the year 2019, prosecutrix came to Bilaspur (C.G.) for her higher studies. At that time, she met with co-accused Ankit Ghiya. Allegedly, on 19.06.2019, Ankit Ghiya asked

prosecutrix to go with him to the house of Raju. In the house of Raju, the present Applicant and Praful were present. Ankit Ghiya offered beer to the prosecutrix and thereafter he committed sexual intercourse with her. Allegations against the present Applicant is that he made a video clip of the incident. Further allegations against co-accused Ankit Ghiya is that he used to have sexual intercourse with the prosecutrix on various occasions on the pretext of marriage. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He also submits that main allegations are against co-accused Ankit Ghiya who has been already granted benefit of anticipatory bail vide order dated 24.06.2020 passed in MCRCA No.589/2020, therefore, he prays for grant of anticipatory bail to the Applicant.
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, arguments advanced by the counsel for the parties and particularly considering that the main accused Ankit Ghiya has been granted anticipatory bail by this Court, 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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh