

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 282 of 2021**

- Sanjay Sao, S/o Manidas Sao, Aged About 30 Years, Caste Teli, R/o Village Arekel, Post Bansula, Police Station & Tahsil Basna, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Kishore Narayan, Adv.
For Respondent/State	: Mr. Roshan Dubey, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.06.2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 12/2021 registered at Police Station- Basna, District Mahasamund (C.G.) for commission of the offence punishable under Sections 376 (2)(b) of IPC.
3. Case of the prosecution is that, it has been alleged that present applicant committed rape with the prosecutrix. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that applicant is suffering from mental illness and the complainant has used the prosecutrix in framing the applicant in a criminal case due to property related dispute. He next added that prosecutrix is also 40 years mentally ill lady, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the medical documents of the applicant which shows that applicant is of unsound mind, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned 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 or the case 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.

**Sd/-
(Rajani Dubey)
Judge**