

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 292 of 2021**

- Jaiprakash Jaiswal, S/o Shri Chhedilal Jaiswal, Aged about 34 Years, Caste Jaiswal, R/o Dharashiv, Police Station and Tehsil Nawagarh, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Nawagarh, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri U.K.S. Chandel, Advocate.
For Respondent/State	: Shri Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****24/05/2021**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 42/2021 registered at Police Station Nawagarh, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 354/34 of the Indian Penal Code.
3. According to the case of the prosecution, on 21.01.2021 at about 9:30 a.m., allegedly, co-accused namely Santosh Jaiswal i.e. brother of the present applicant caught hold the hand of prosecutrix and took her inside the shop and threatenend her about marriage and also stated that he will keep the prosecutrix with him as wife. It is alleged that

present applicant also entered inside the shop and caught hold the hands of the prosecutrix. Thereafter, report was made by the prosecutrix and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to previous dispute with prosecutrix and her family members. He further submits that earlier on 07.01.2021, applicant himself lodged a complaint against the father and brother of the prosecutrix and other person. Thereafter, to take revenge, a false and fabricated complaint was lodged by the prosecutrix. He further states that main allegations are against co-accused Santosh Jaiswal and he was arrested and also granted regular bail from the Sessions Court itself. Therefore, it is prayed that, applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and on perusal of contents of the F.I.R. and further considering the fact that main allegations are against co-accused Santosh Jaiswal and he has already been granted regular bail from the Sessions Court, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory

bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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