

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 900 of 2021**

- Suraj Dev Yadav, S/o Shri Tulsi Yadav Aged About 33 Years R/o Village Mahnai, Chowki Pandrapath, Police Station Bagicha, District- Jashpur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Officer In Charge Police Outpost Pandrapath, Police Station Bagicha, District- Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Shri Vivek Kumar Agrawal, Advocate
For Respondent/State	: Ms Anjali Singh Chouhan, PL
For Objector/complainant	: Shri AK Yadav, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****(Proceeding through Video Conferencing)****10.08.2021**

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 100 of 2021 registered at Police Station Bagicha, District-Jashpur, Chhattisgarh for commission of offenses punishable under Sections 450, 376(2)(d) and 506 of IPC.
2. Case of the prosecution, in brief, is that, on 18.04.2021 at about 9 pm, present applicant along with Ramchandra, Chandradev and Angad Yadav, entered into the house of prosecutrix and committed rape upon her. Report was lodged on 19.04.2021, based upon which, instant crime is registered against all four accused persons.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Vivek Kumar Agrawal, learned counsel for the applicant submits that applicant is a Government servant. False and baseless allegations have been levelled against him as a counter blast to the property dispute pending between family members of complainant and present applicant. He also submits that sister of present applicant has lodged a complaint of similar nature on 03.04.2021 making allegations that on 02.04.2021 at about 8 pm, husband of complainant and three others entered into her house, abused her and they have committed forceful intercourse with her mother-in-law, on the basis of which, offences under Sections 376(2)(d) and 450 were registered. He further submits that entire dispute is only with regard to property between the parties. He also submits that complainant executed an affidavit before Court below on 17.06.2021 mentioning therein that no such incident has taken place and she is not having any objection in granting bail to present applicant. The affidavit executing compromise by the complainant/ prosecutrix is filed before the Court below at the time of hearing on bail application. He submits that applicant being a Government employee, may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Ms Anjali Singh Chouhan, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that allegation is with regard to commission of gang rape upon prosecutrix/complainant. However, she does not oppose filing of affidavit by complainant before Court below at the time of hearing anticipatory bail of applicant.

6. On instructions, Shri AK Yadav, learned counsel for the objector submits that complainant has executed an affidavit stating that no such incident has taken place as alleged by her in written complaint. He submits that affidavit executed before the Notary was also filed before the Court below.

7. I have heard learned counsel for the parties.

8. Taking into consideration nature of allegations levelled against present applicant, fact that due to some earlier dispute allegations of similar nature are alleged against family members of complainant, and further, learned counsel for complainant submitted that complainant executed an affidavit stating therein that no such incident has ever taken place as alleged by her, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

9. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;

b) That the 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;

c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd-
(Parth Prateem Sahu)
JUDGE

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