

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1568 of 2020**

- Wilson Tete (wrongly mentioned as Pete), aged about 31 years, S/o Anand Kumar Tete (wrongly mentioned as Pete), R/o Hamirpur Mariyam Chowk, Raurkela - 03, Post Sector 18, District Sundergan State (Odissa)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Rampur, Thane City Kotwali, Korba, District Korba (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.
For Respondent. : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/03/2021**

1. 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.211/2016 registered at Police Station - Chowki Rampur, Police Station Kotwali, District Korba for commission of the offence punishable under Sections 363, 368, 372, 373, 201, 34, 376, 376(D), 376(2)(n) of Indian Penal Code, Sections 4, 6 of the Protection of Children from Sexual Offences Act and Sections 15 & 75 of Kishore Nyaya Adhiniyam.
2. The prosecution case, in brief, is that a report was lodged that victim was taken by co-accused persons from her house and based on this, FIR under Section 363 of IPC was registered. Thereafter, the victim was recovered from the possession of one Vijay Shanker Dubey and, on her

statement, offence under the aforesaid Sections has been registered against the accused persons. The accused persons alleged to have taken the victim to many places, committed sexual intercourse with her, thereafter, sold her and all are involved in Flesh Trade business. The allegation against the present applicant is that he also committed sexual intercourse with the victim.

3. Learned counsel for the applicant submits that the applicant is innocent and only on the basis of presumption he has been implicated in the crime in question. He further submits that before the Court below the prosecutrix has not stated anything against the present applicant. He also submits that the Court below has acquitted the co-accused persons namely Akash Sharma, Rajdas, Umesh Sharma and Mahendra Singh Dureja & the present applicant is also on the same footing.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that other similarly situated co-accused persons namely Akash Sharma, Rajdas, Umesh Sharma and Mahendra Singh Dureja have been acquitted by the Court below, without further commenting on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. 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 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/medical examination 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 of 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