

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1090 /2015

Godri @ Sher Singh, S/o. Late Hublal Aged About 26 Years, R/o. Village Aara, Police Station : Rajpur, Out Post Bariyo, District Balrampur – Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station : Lundra, District : Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate.

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/11/2015

1. Apprehending arrest in connection with Crime No.10/2012 registered at Police Station- Lundra, District Surguja (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, on 13.12.2011, the present applicant has abducted the daughter of the complainant and thereafter on the assurance of marriage committed sexual intercourse with her. Therefore, the offence has been registered.
3. Learned counsel for the applicant submits that the prosecutrix was in relation with the applicant and they have performed the marriage and out of the wedlock one male child was also born. He further submits that an affidavit was also filed by the prosecutrix, therefore, considering the same and nature of incident, the applicant may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the case diary and affidavit of the victim and her father wherein it is stated that the applicant has performed

marriage with the victim and out of the said marriage a child is also born; therefore, considering the nature of allegation and the evidence available, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the 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 so 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge