

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1201 of 2015

Vinay Prajapati S/o Bhaiyalal Prajapati Aged About 22 Years R/o
Village Bankipur, P. S. Gandhi Nagar, District - Sarguja
(Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, P.S.
Gandhi Nagar, District - Sarguja (Chhattisgarh).

---- Respondent

For applicant – Shri Jitendra Shrivastava, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.125 of 2015, registered at Police Station Gandhi Nagar, Dist. Sarguja for offence punishable under Section 363 & 366 of IPC.
2. According to the case of prosecution a report was made by father of the prosecutrix that from 29/05/2015 his daughter was missing and the applicant was also missing. On 14/07/2015 the applicant and the prosecutrix were seen in the court premises wherefrom the applicant fled away and the prosecutrix was taken into custody by the parents. Therefore, on the report being made, offence is said to be committed.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix were in love affair and the applicant has performed marriage with the prosecutrix on 13/07/2015. He relied on the certified copy of the affidavit filed along with this petition and submits that under these circumstances applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Having considered the case diary and the statement of facts and statement made by the prosecutrix on affidavit wherein she has stated that she has performed marriage with the applicant and she was not enticed by the applicant or forcefully taken away. Having considered the statement of the prosecutrix under Section 164 of Cr.P.C., I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 executing a personal bond in sum of Rs.25,000/- with one local 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) 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

