

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 584 of 2016

- Pawan Sharma S/o Jaikumar Sharma Aged About 18 Years R/o Kurud, District Bemetara (Chhattisgarh)---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kawardha, District Kabirdham (Chhattisgarh) --- **Respondent**

MCRCA No. 607 of 2016

- Vikas Sharma S/o Uttam Kumar Sharma Aged About 17 Years (Minor) R/o Palansari Tahsil Pandariya, District Kabirdham Chhattisgarh, Now Represented Through His Uncle Tularam Sharma, Aged About 43 Years, S/o Kanwal Rasad Sharma, R/o Village Palansari, P.S. Pandatarai, Tahsil Pandariya, District Kabirdham Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kawardha, District Kabirdham Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Devesh Chandra Verma, Adv.
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

1. Apprehending arrest in connection with Crime No. 108/2016 registered at Police Station Kawardha, Distt. Kabirdham(C.G) for the offences punishable under section 363, 342, 354/34 of IPC and Sections 7, 8 of the Protection of Children from Sexual Offences Act, the applicants have filed these two applications u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.

2. Since both these applications are arising out of the same crime number, they are being disposed of by this common order.
3. As per the prosecution case, applicants Pawan Sharma and Vikas Sharma took away the minor girls on 26.03.2016 from the lawful custody of their parents and kept them in their houses at village Kurud and while taking the girls to the village of applicants, they tried to outrage the modesty of the girls thereby the offence is committed.
4. Learned counsel for the applicants submits that the applicants are regular students and they have not committed any overt act and they had not forcibly taken away the girls from the lawful custody and the girls themselves went alongwith the applicants to their village and had there by any intention to molest or outrage the modesty of the girls, they would have fled away to elsewhere as such the applicants have not committed any offence.
5. Per contra, learned State Counsel opposes the prayer for grant of bail.
6. Perused the statements of the victim girls and the statement of Ghanshyam Tiwari, father of Mandakini. It is stated that after the girls did not come there, it was informed that the girls are in the house of present applicants at village Kurud and thereafter they went there and took the girls and it was further stated that nothing was done with the girls.
7. Perused the statements of the girls. Considering such statements of the girls as also the statement of

Ghanshyam Tiwari who is father of two minor girls and the back-ground of this case, I am inclined to admit the applicants to anticipatory bail.

8. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE