

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.Cr.C.(A) No. 1376 /2015**

Moh. Aasif, S/o. Moh. Iftkhar, Aged About 19 Years, Cast Mushlman, R/o. Village Ahirantola, Belgahana, P.S. Gourela, Civil & Revenue District Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through the Station House Officer, P.S. Gourela, District Bilaspur, Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Rakesh Thakur, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**04/02/2016**

1. Apprehending arrest in connection with Crime No.133/2015 registered at Police Station- Gourela, District Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012, 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, the applicant enticed the minor girl and took her away from the natural guardianship custody of the father & mother and thereafter committed sexual intercourse with her. Subsequently, the girl was recovered and on investigation, the report was made.
3. Learned counsel for the applicant went through the order of the trial Court and submits that the order itself would reveal that no offence

is made out, as according to the statement of the girl when the father scolded and tried to assault her, she ran away with the intervention of her mother and thereafter she called the boy and took shelter thereafter with the consent of the father of the boy, she was sent back to her home; therefore, no offence is made out and he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the girl under Section 164 of Cr.P.C. Taking into the statement that no accusation has been made over the boy and it is stated that she was scolded by the father therefore she ran away and considering the age of the girl that she was able to understand her well being, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicant.
6. Accordingly, the anticipatory bail application is allowed.
7. 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**

Ashok