

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 333 /2016

Firu Lal, S/o. Lainu Jaiswal, Aged About 52 Years, R/o. Village Ghoghari,
P.S. Dabhra, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. F.S.Khare, Advocate
For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/04/2016

1. Apprehending arrest in connection with Crime No.630 of 2015 registered at Police Station- Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 376, 493, 417, 506, 507/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the prosecutrix who was a married lady was in love relation with the son of the applicant and on 17.05.2015 when she came to her maternal home, she eloped with the son of the applicant and thereafter stayed at village Chingi, Odissa and during such period, the applicant being the father has advised the co-accused Ramashraya to leave the girl. Subsequently, when the boy and girl came back they were assaulted and it is stated that the applicant has abetted the crime.
3. Learned counsel for the applicant would submit that no offence is made out against this applicant and the applicant being the father of the co-accused Ramashraya advised his son to leave the girl, as she was married. It is further stated that the statement of the

prosecutrix also would show that no allegation is attributed to this applicant and therefore, he may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the prosecutrix wherein the entire allegations have been attributed to the son of the applicant by the prosecutrix. Considering the statement under Section 161 & 164 of Cr.P.C., I am inclined to enlarge the applicant on anticipatory bail.
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 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