

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 250 of 2016

1. Sakharam Chauhan S/o Bhulau Chauhan Aged About 45 Years

2. Bela Chauhan W/o Sakharam Chauhan Aged About 40 Years,

Both above are Present R/o Village Lamidaraha, P.S.

Chakradharnagar, Tehsil Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

Both above are permanent R/o Village Parsa, Tehsil Dharamjaigarh, P.S. Kaapu, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Chakradharnagar, Civil & Revenue District Raigarh, Chhattisgarh.

---- Respondent

For applicants – Shri Manoj Paranjpe, Advocate.

For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 07/2016 registered at Police Station Chakradharnagar, Raigarh, District Raigarh (C.G.) for offence punishable under Sections 354, 354 (~~क~~), 370 (~~क~~), 374 of Indian Penal Code and Sections 7, 8, 16 & 17 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case a report was made on 2/01/2016 that prior to 23/12/2015, two girls namely Madhuri Manjhi and Preeti Bhagariya were hired for domestic help in the house of K.M. Sharma. Thereafter, they were subjected to torture by K.M. Sharma who committed sexual assault on them. When it was complained, the said accused used to abuse the girls and on report enquiry was made by Mahila Bal Kalyan Ashram, thereafter two girls were taken away. It is allegation that these

applicants were working in the house of K.M. Sharma as domestic help prior to the fact two girls joined as domestic help and allegations are that girls were brought to the house of K.M. Sharma at the instance of these applicants.

3. Learned counsel for the applicants submits that no evidence is available against these applicants and they were working as domestic help in the house of K.M. Sharma and two girls who joined in the house of K.M. Sharma joined at their own instance. He submits that no offence has been committed by these applicants, therefore they may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of Amar Sai father of the girl named Madhuri wherein he stated that the girl voluntarily left the house to get the job in the house of K.M. Sharma also statement of father of Preeti Agariya Thandaram examined. Taking into such statement and prima facie allegations against these applicants, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is 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 in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

(i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE