

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 41 of 2016

Sushil @ Shalu S/o. Narendra Kumar Mittal, aged about 20 years, Caste- Agrawal, Occupation- Business, R/o. Shivnandanpur, Police Station- Vishrampur, Tahsil and District Surajpur, Civil and Revenue District Surajpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Vishrampur , District Surajpur (C.G.)

---- Respondent

For Applicant	:-	Mr. A.K. Prasad, Advocate
For Respondent/ State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24/02/2016

1. Apprehending arrest in connection with the Crime No. 164/2015, registered at Police Station Vishrampur District – Surajpur (C.G.) for the offence punishable under section 354 (A-D), 294, 506B, 323/34 of Indian Penal Code and section 11, 12 of Protection of Children from Sexual Offence Act, 2012. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that on 15.09.2015, the daughter of the complainant while coming back from her tuition, the applicant along-with the other co-accused persons namely Sandeep Pasvan and Sani Pasvan were following the daughter of the complainant and had passed comments on her. When the father of the victim girl reached near the girl, the applicant fled

away from the scene. Thereafter, Sandeep Pasvan and Sani Pasvan were confronted with the victim girl and assaulted the father and also abused the victim girl. Thereby, the offence is committed.

3. Counsel for the applicant submits that the role of the applicant was different from the other co-accused and the present applicant did not cause any assault to the father of the victim girl i.e. the complainant and the main allegations are on Sandeep Pasvan and Sani Pasvan. He further submits that considering the conduct of the applicant, no offence is made out against this applicant. He further submits that the charge sheet has been filed under sections 11, 12 of Protection of Children from Sexual Offence Act, 2012 and the applicant is a student and considering the role played by this applicant, he may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Perusal of the statement of the victim girl and also the father i.e. complainant wherein it is stated that the applicant fled away from the scene and taking the role played by this applicant, prima-face, this Court is of the opinion that the present is the fit case where the applicant should be enlarged on anticipatory bail.

5. 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 them 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 them 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.

Sd/-

(Goutam Bhaduri)

JUDGE