

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 188 of 2016

- Ayush Dubey S/o Sanjay Dubey Aged About 18 Years R/o H-24, 15 Civil Lines, Police Station Durg, Chowki Padmanabhpur, Tahsil Durg, Revenue & Civil District Durg, Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh Through Police Station Chowki Padmanabhpur, District Durg, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Bhaskar Payashi Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.03.2016

1. Apprehending arrest in connection with Crime No. 995/2015 registered at Police Station Durg (C.G) for the offences punishable under section 354, 294, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 07.12.2015 while the victim girl was coming back to her home from school, the applicant caught of her hand and asked her to sit in the motorcycle. On being refused, she was abused and thereby the offence has been committed.
3. Learned counsel for the applicant submits that just before 23 days back, the applicant has only attained the age of 18 years and the applicant and victim were known to each other as they were studying in the same school and they were also residents of the same locality. He further submits that the report and statement of the girl would reveal that there is no allegation of sexual assault, therefore, considering the age of applicant and the background, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the report and statement of the victim girl and the report

and statement and also considered that the age of the applicant is stated to be 18 years.

6. Considering the nature of allegations levelled against the applicant and looking to the background and age of the applicant, I am inclined to allow this bail application.

7. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.

The applicant shall also abide by the following conditions :-

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

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**