

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C(A) No. 331 of 2016

- Farasram Nagwanshi, S/o Sonsai, Aged About 25 Years
Caste Nagwanshi, R/o Village Chhuripahri, Police Station
Pathalgaon, District Jashpur Chhattisgarh. - **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer,
Police Station Pathalgaon, District Jashpur Chhattisgarh.
- **Respondent**

For the applicant : Mr. Udhaw Sharma, Advocate.
For the Respondent : Mr. Sumeet Jhawar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.04.2016

1. Apprehending arrest in connection with Crime No. 10 of 2016 registered at Police Station Pathalgaon, District Jashpur (C.G)) for the offences punishable under section 376(2) (ढ) (झ) IPC and sections 4, 5 (ढ), 6 of Protection of Children from Sexual Offences Act, 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, the applicant on the pretext of marriage sexually exploited the prosecutrix in the year 2013 and the prosecutrix became pregnant and a child was born on 27.11.2015. In the meanwhile, the marriage of the applicant was fixed with a girl namely Urmila on 20th April, 2015, therefore, a report has been lodged.
3. Learned counsel for the applicant submits that the incident is said to be happened during the period of

2013-2014 and when the baby was born name of the father of baby was shown as Khurso Nagwanshi as per Annexure A-2 and no report whatsoever has been made from the year 2013 to 2016, therefore, it is an out and out false allegation against the applicant.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix wherein she stated that out of sexual relations, she has given birth to one baby on 27.11.2015 and according to the Birth Certificate (Annexure A-2), name of father of the baby was shown as Kharso Nagwanshi whereas this applicant is named Farasram Nagwanshi.
6. Considering the birth certificate wherein father of baby has been shown someone-else other than 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

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