

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 503 of 2016

Jagdish Kurre S/o Ramprasad Kurre Aged About 45 Years R/o Atal Chowk, Kapoo, District Raigarh Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant – Ms. Sofia Khan, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/07/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 114/2015 registered at Police Station Kapoo, District-Raigarh (C.G.) for offence punishable under Sections 370, 371, 374, 363, 34 of Indian Penal Code & Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution in brief is that a report was made by one Kunwar Lal Nageshia that prior to 24/12/2015 minor girl was taken by her mother and other co-accused to Delhi and she was made to work as domestic help. Thereafter, she was forced to marry with one Rajesh @ Kalu Yadav and her mother came back. The girl thereafter came back to her home village Bandopani, Kapoo and it is alleged that when the victim came to the village at some time she met with the present applicant and thereafter at the instance of Chanda Bai she again went back to Delhi.
3. Learned counsel for the applicant submits that this applicant who is

reporter of Nav Bharat has been falsely implicated for the reason that he was raising his voice against police atrocities in the village, therefore for no reason he has been implicated and no offence has been committed by him. It is further submitted that when the girl again came to the village after leaving her husband, at that time it was advised by the applicant to go back, that is the only allegation against this applicant, no criminality can be attributed, therefore the applicant may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and statement of the victim under Section 164 and 161 of Cr.P.C. Considering the nature of allegations attributed to this applicant, no primary charge has been levelled. Taking into such level of allegation, I am inclined to extend benefit of anticipatory bail to the applicant.

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 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 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) 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