

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 565 /2016

Kamleshwar Yadav, S/o. Ramanand Yadav, Aged About 21 Years, By
Caste : Ahir, Occupation : Student, R/o. Village Ambadipa, Post :
Kamarima, Tahsil Bagicha, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Chowki,
Pandrapath, Police Station : Bagicha, District : Jashpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. Apprehending arrest in connection with Crime No.54/2016 registered at Police Station- Bagicha, District Jashpur (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 20.03.2016, the applicant enticed the prosecutrix, who is minor, and took away from the lawful custody of her father & mother on the pretext of marriage and thereafter the girl was recovered from the house of the applicant.
3. Learned counsel for the applicant would submit that the victim girl is 17 years & 10 months of age and she is able to understand her well being and she of her own went alongwith the applicant and no sexual overt act or force has been committed as has been stated against the applicant. He further submits that as per the letters which have been filed along-with this bail application, it appears that the girl and the applicant were in love relation; therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the victim/girl which was recorded before the Executive Magistrate Bagicha under Section 161 & 164 of Cr.P.C. wherein no sexual overt act has been attributed to this applicant and prima facie it appears from the reading of the statement that she was a consenting party to go along-with the boy. Considering such statement and the documents, I am inclined to release the applicant on anticipatory bail.
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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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