

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 601 /2016

Narayan Satnami, S/o. Ram Sagar, Aged About 25 Years, R/o. Village Kosa, P.S. Mulmula, Revenue & Civil District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Mulmula, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K.Tulsyan, Advocate.

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

1. Apprehending arrest in connection with Crime No.110/2013 registered at Police Station- Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366 & 376 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, a report was lodged by the father of the prosecutrix that the present applicant has kidnapped his daughter. Thereafter, the girl was recovered from the possession of the present applicant and it is found that she was subjected to forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant and the girl have performed marriage and prosecutrix is a major girl and she had gone of her own, therefore, no offence is made out. He referred to the marriage certificate and the affidavit filed by the girl and would submit that in the facts of this case, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail, however, though she obtained time to verify the marriage certificate but still is unable to make any submission.
5. Perused the case diary and the documents. Taking into consideration the copy of marriage certificate as original is also produced for inspection during course of argument, which would show that the applicant and girl have performed marriage on 17.07.2014, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 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.

Sd/-
(Goutam Bhaduri)
Judge