

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 837 of 2016**

1. Rajkumar, S/o. Shri Jai Prasad, aged about 27 years, Occupation- Agriculturist, R/o. Village- Mahuli, Police Station : Chandni, Tahsil – Odgi, District – Surajpur (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : Station House Officer, Police Station : Chandni, District – Surajpur (C.G.)

---- Respondent

For Applicant : Mr. Sushil Dubey, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****20/10/2016**

1. Apprehending arrest in connection with Crime No.18/2016 registered at Police Station- Chandni, District – Surajpur (C.G.), for offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 & 4 of Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Ramdayal that her daughter who is minor is missing on 16.05.2016. Subsequently, on enquiry it was revealed that the applicant enticed away the minor girl and on the pretext of marriage committed sexual intercourse. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that both the applicant and girl have performed marriage and the girl is aged

about 20 years for which an affidavit has been filed before this Court and no offence is committed by the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. State counsel was directed to verify the facts as to whether the victim has performed marriage with the applicant and the report has been received by the State.
5. The case diary was examined, which contains the subsequent statement of the victim, wherein she has stated that she has performed marriage with the applicant, thereby the affidavit has been fortified.
6. Taking into such facts and circumstances of this case this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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 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