

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 930 of 2016

- Ismail Mohammad S/o Peer Mohammad, Aged About 21 Years
Caste Momin R/o Routa, Police-Station Pandariya, District-
Kabeerdham, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Pandatarai, District-Kabeerdham Chhattisgarh (Note:
Name of Police Station has wrongly been Mentioned In the
Cause Title of the rejection order as Pandariya in place of
Pandatarai) --- **Respondent**

For the applicant : Mr. Jitendra Shrivastava, Advocate.
For the State : Mr. Anupam Dubey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.10.2016

1. Apprehending arrest in connection with Crime No. 57 of 2016 registered at Police Station Pandatarai, Kabeerdham (C.G) for the offences punishable u/s 363 of IPC and Sections 7 & 8 of the Protection of Children from sexual Offences Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by Alimunbi on 24.6.2016 that on 09.06.2015 her minor daughter went missing and on enquiry it was revealed that the present applicant enticed away his minor daughter from her lawful custody, therefore, the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the victim girl herself came to the house of applicant and subsequently

the applicant sent her back to her maternal home where she committed suicide, therefore, no allegations can be attributed to the present applicant and the applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and documents. Initially the report was made by the mother. Subsequently it shows that the victim came back and she herself set ablaze in her maternal home. In the dying declaration no allegations are attributed to the present applicant.
6. Considering the totality of facts and circumstances of the case especially the fact that in dying declaration no allegations have been attributed to the present applicant I am inclined to admit the applicant to anticipatory bail.
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. today.

Sd/-
GOUTAM BHADURI
JUDGE

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