

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1056 of 2016**

Gopi, S/o. Satanand, aged about 24 years, R/o. Village-Shrigarh, P.S. & Tahsil Ambikapur, District – Surguja (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer Azak, Police Station Ambikapur, District – Surguja (C.G.)

---- Respondent

AND**M.CR.C.(A). No. 1063 of 2016**

Dhaneshwari @ Gudiya, D/o. Satanand, aged about 19 years, R/o. Village-Shrigarh, P.S. & Tahsil – Ambikapur, District – Surguja (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer Azak, Police Station Ambikapur, District – Surguja (C.G.)

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****22/12/2016**

1. Apprehending arrest in connection with Crime No.23/2016 registered at Police Station- Azak, Ambikapur, District – Surguja (C.G.), for offence punishable under Section 376, 366, 506, 342 of Indian Penal Code and Section 3 (2) (5) of the Atrocities (SC & ST) Act, 1989, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the victim on 13.05.2016 alleging that on 25.04.2016 when the marriage of the victim was fixed on that day one Gopi came to her house while all the family members were not present, thereafter, entered into room

and committed forceful sexual intercourse. Subsequently, as the people were busy in arrangement of the marriage, Gopi took her away forcefully on the pretext of marriage, thereafter, kept her in a captivity and committed sexual intercourse in the house of his relatives and thereafter, came back to their house on Shrigarh and kept her in captivity, wherein sister of Gopi namely Dhaneshwari @ Gudiya assisted and did not allow the victim to go out while she was in the house of the applicants. Thereby the offence has been committed.

3. Learned counsel appearing on behalf of the applicants submits that he do not want to press the bail application bearing No. M.CR.C.(A) No.1056/2016 in respect of the applicant - Gopi and seeks permission of this Court to withdraw the bail application with liberty to file regular bail. However, in respect of the applicant – Dhaneshwari, it is contended that only allegation of support and to keep the victim in captivity is against the applicant – Dhaneshwari and no allegations were attributed more than that. It is further submitted that it is completely improbable to keep the victim in such captivity as the victim is major girl. Considering the nature of allegation levelled against the applicant and she being the lady, the counsel prays that applicant may be enlarged on anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the report and the statement of the victim. Considering the nature of allegation against the applicant as the main allegations appears to have been attributed to Gopi. Taking into the facts and circumstances of the case and the nature of allegation levelled against the applicant and further taking in to the fact that the

applicant is a lady, this Court is inclined to extend the benefit of anticipatory bail to the applicant - Dhaneshwari.

7. Accordingly, the anticipatory bail application bearing M.Cr.C.(A) No.1056/2016 is dismissed as not pressed and M.Cr.C.(A) No.1063/2016 is allowed.
8. It is directed that in the event of arrest of the applicant – Dhaneshwari in connection with the aforesaid offence, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge