

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 4 of 2017

Goverdhan Satnami S/o Shri Laxmi Satnami, Aged About 28 Years R/o Village Jewara, Thana & Tahsil Sarangarh, Civil & Revenue District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh Civil & Revenue District Raigarh Chhattisgarh

---- Respondent

Ms. Pritha Ghoshal, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/01/2017

Heard.

The applicant is apprehending his arrest in connection with Crime No.590/2013 registered at police station- City Kotwali, District - Raigarh, CG for alleged commission of offence under Sections 363, 366, 376 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short ' the POCSO Act').

2. Case of the prosecution is that the applicant kidnapped the prosecutrix on 23/07/2013 and kept with him until she was recovered on 02/08/2013 in connection with which crime, aforesaid crime was registered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is submitted that the applicant and the prosecutrix had an affair and later on, got married also. It is further submitted that on an allegation of applicant having kidnapped the prosecutrix on 26/09/2013, a crime under Crime No.807/2013 was registered which led to filing of a charge sheet and trial of the applicant in

Sessions Trial No.22/2014 is pending before Additional Sessions Judge, FTC, Raigarh where the applicant is being tried for commission of offence under Section 363, 366, 376 of IPC and Section 8 of the POCSO Act. It is further submitted that the applicant was earlier arrested by the police and later on, released on bail in connection with Crime No.807/2013 and there are not allegations of misuse of liberty. Therefore, in these circumstances, the applicant may be protected against arrest in connection with Crime No.590/2013.

4. On the other hand, learned State counsel submits that against the applicant, two criminal cases have been registered, one on the allegation of having kidnapped the prosecutrix on 23/07/2013 and the other of having again kidnapped the prosecutrix on 26/09/2013, under Crime No.807/2013. The applicant had remained absconding for a long time until he was arrested in connection with other crime number. The applicant is alleged to have committed grievous offence. Therefore, he is not entitled to grant of anticipatory bail.

5. Taking into consideration the peculiar circumstances of the present case where, on the allegation of kidnapping of the same prosecutrix, one on 23/07/2013 and the other on 26/09/2013, two criminal cases were registered and the applicant was earlier arrested and then granted regular bail and in the absence of there being any allegation of he having misused the liberty and considering submission that during trial, the prosecutrix has not supported the case of the prosecution and it is only on the instance of the father of the prosecutrix, criminal case has been registered, I am inclined to extend the benefit of anticipatory bail to the applicant, particularly in view of the submission that the applicant had an affair with the prosecutrix and later on, they got married.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police 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 from disclosing such facts to the Court or to 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Deepti