

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 914 of 2017**

1. Dharam Lal Tandon, S/o Shri Late G.R. Tandon, aged about 48 years.
 2. Smt. Hara Tandon W/o Dharam Lal Tandon, aged 38 years.
- Both above are R/o Qr. No.68 Pragati Nagar, Dipika, PS Dipika, Tehsil Katghora, Distt .Korba (CG).

-----Applicants**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station Dipika, Distt. Korba (CG).

---- Respondent

For Applicant	:	Shri Sandeep Dubey, Advocate.
For Respondent	:	Shri D.R. Minj, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29/11/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.92 of 2017 registered at Police Station, Dipika, Distt. Korba, for the offence punishable under Sections 363,366,376,368 IPC and Section 4 of the POCSO Act.
2. The allegation against the applicants as per prosecution is that, the applicants is said to have provided shelter to the accused Shashank Tandon, son of the present applicants for keeping the minor prosecutrix with him.
3. According to the counsel for the applicants, the applicants are ignorant and innocent and have been falsely implicated in the case. The only offence committed by the applicants is that of being the father of Shashank Tandon, who is the main accused in the instant case. Even if the entire case of prosecution is accepted, none of the offences which have been charged are made out against the applicants, and therefore the applicants may be granted anticipatory bail.

4. Counsel for the State opposes the bail application on the ground that the applicants knowing fully well the fact that the prosecutrix is a minor girl, permitted her to stay for a day together along with their son i.e. the co-accused.
5. Having heard learned counsel for the parties and perusal of case diary and considering the facts situation as narrated by either side, this court is of the opinion that prima facie no ingredients making out an offence for which the applicants have been charged is made out, and as such, it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/applicants 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 them from disclosing such facts to the Court or to any police officer;
 3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge