

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 407 of 2017**

- Gajendra Singh Baghel S/o Bhagrathi Baghel, Aged About 24 Years R/o Kikirpal, Tahsil Chhindgarh, District Sukma (Chhattisgarh)

---- Applicant**Versus**

- The State Of Chhattisgarh Through : Station House Officer, Police Station - Darbha, Distict - Bastar, Jagdalpur (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Amar Nath Pandey, Advocate.
For Respondent	:	Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.6.2017**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 57/2014 registered at Police Station Darbha, Distt. Bastar Jagdalpur, for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code, under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(2)(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel appearing for the applicant submits that allegation against the present applicant is that he is said to have eloped with the victim, a minor girl. FIR was lodged on 03.7.2014 upon which the police has registered offence against the applicant under Sections 363, 366 and

376 of IPC and also under Section 6 of POCSO Act and under Section 3(2) (5) of the Atrocities Act. Learned counsel for the applicant refers to the middle school certificate as well as the high school certificate of the victim showing her date of birth as 03.7.96 and if the date of birth as given in the mark sheet is considered, on the date of lodging the FIR i.e. 03.7.2014 she crossed the age of 18 years, hence provision of POCSO Act would not be applicable. He further submits that in due course of time the applicant is said to have married the victim and they are living as husband and wife. In this regard a joint affidavit has been submitted by the applicant and the victim. In addition, there is also adhar card of the victim showing her status as wife of the applicant.

3. On the other hand, learned counsel for the State opposes the bail application.

4. Having heard learned counsel for the parties, considering the facts and circumstances, particularly taking note of the age of the victim, aadhar card, affidavit regarding the fact of the marriage between the applicant and the victim, this court is of the view that it is a fit case to grant of anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

2. The accused/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;
3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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/-
(P. Sam Koshy)
Judge

Bini