

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 656 of 2017**

Sanju Dhritlahre S/o Shri Keju Ram Dhritlahre, Aged About 26 Years
Caste Satnami, R/o Sonpahri, P.S. Mandir Hasaud, District Raipur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station Telibandha, Raipur, Tahsil And District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nalin Soni, Advocate.

For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 59 of 2008, registered at Police Station – Telibandha, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Sections 363, 366(A) and 376 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is further submitted that the incident took place on 23.2.2008. Later on, when the prosecutrix became major both

have married in Aarya Samaj in the year 2014. On a complaint made by the mother of the prosecutrix, the offence has been registered against the applicant and the charge-sheet has been filed after completion of investigation showing that the applicant is absconding. After coming to know that the applicant is wanted in the said criminal case, this application has been filed. The applicant and the prosecutrix are living happy married life and have a child. The mother of the complainant also does not have any more complaints against the applicant, hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the absconder cannot be benefited with grant of anticipatory bail, hence, it is prayed that the application be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. The prosecutrix in this case went missing on 23.2.2008 and she was recovered from the applicant on 26.2.2008. FIR was recorded against the applicant on the basis of which, the offence was registered and the charge-sheet has been filed showing the applicant as absconder. In the current state of things and as per the submissions made, it appears that the prosecutrix and the applicant both have married and there is drastic change in the circumstances after passing of almost 9 years. Hence, for these reasons, this appears to be a fit case for grant of anticipatory bail.

7. Accordingly, the anticipatory bail 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 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. He shall also abide by the following conditions:

- '(i) that the applicant shall make himself 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 them 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge