

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 731 of 2017

Vishnu Kumar Kallo S/o Shri Mohan Das, Aged About 23 Years
Caste - Gond, R/o Village & Post Lohattar, Thana Lohattar,
Tahsil Durgkondal, Civil & Revenue District North Bastar Kanker
Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh Through Station House Officer, Police
Station Kanker, Civil & Revenue District North Bastar Kanker
Chhattisgarh. **--- Respondent**

For the applicant : Mr. Sunil Kumar Sahu, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2017

1. Apprehending arrest in connection with Crime No. 219 of 2017 registered at Police Station Kanker Distt. North Bastar Kanker (C.G) for the offences punishable u/ss 376, 493, 506 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by the prosecutrix on 03.07.2017 that between 2012 and 2015 on the pretext of marriage, the prosecutrix was subjected to forcible sexual intercourse by the applicant without her consent thereby the offence has been committed.
3. Learned counsel for the applicant submits that due to some misunderstanding the report has been made, the

prosecutrix and the applicant have performed marriage on 30.07.2017. He has placed reliance on photographs, marriage invitation card as also the affidavit of the prosecutrix and submits that the applicant and complainant are the husband and wife, therefore, she do not want to object for grant of anticipatory bail to the applicant.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the documents, photographs, the invitation letter and the affidavit of the prosecutrix wherein she has stated that the applicant and prosecutrix have performed marriage with each other on 30.07.2017. Therefore, taking into such facts and circumstances of the case especially the photographs, photocopy of the marriage invitation and the affidavit of prosecutrix, I am inclined to admit the applicant to anticipatory bail.
6. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing

- such facts to the Court or 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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