

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 821 of 2017**

Ajim Ram S/o Samsu Ram, Aged About 22 Years R/o Village
Shitonga, Police Station & Tahsil Jashpur, Revenue And Civil District
Jashpur, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Office In Charge, Police Station
Jashpur, District Jashpur, Chhattisgarh

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2017**

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. 350 of 2017, registered at Police Station – Jashpur, District – Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the prosecutrix met with the applicant in Kasoli, Himachal Pradesh. Both of them had a love affair and on attaining majority the prosecutrix married the applicant and they

have a child out of their wedlock. It is also submitted that the father of the prosecutrix has in revengeful attitude lodged FIR 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.

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

6. The facts of the case are that one FIR was lodged against the applicant on 21.12.2015 alleging that he has allured and enticed away the minor daughter of Pandoram on the basis of which, the offence was registered. The prosecutrix was recovered from the house of the applicant on 28.8.2017 in village Sintora. Thereafter, the case is under investigation.

7. Considering the submissions made and the contents of the case diary, the fact that the prosecutrix has filed an affidavit in support of the application of the applicant and also on perusing her statement under Section 164 of the Cr.P.C. before the Court of Judicial Magistrate First Class, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

8. 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 him 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