

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 912 of 2017**

Kalicharan Banjare @ Bandia S/o Shri Ubheram, aged about 26 years,
R/o village Acholi, Thana Palari, Distt. Baloda Bazar (CG)

-----Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station
Palari, District Baloda Bazar (CG).

---- Respondent

For Applicant	:	Shri NK Malviya, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

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

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.175 of 2017 registered at Police Station, Palari, for the offence punishable under Sections 363,366, 376 IPC read with Section 6 of POCSO Act.
2. The allegation against the applicant as per prosecution is that, the applicant knowing fully well that the prosecutrix is minor, is said to have abducted and kept her in illegal confinement and also ravished her.
3. According to the counsel for the applicant, it is a case where the age of the prosecutrix was one month short attaining the age of majority i.e. 17 years and 11 months when she left the parental home. Subsequently, the applicant and the prosecutrix got married and since then they are living together and that the complaint has been filed at the behest of the father of the prosecutrix. Further, in the statement under Sections 161 and 164 CrPC, the prosecutrix has not stated anything against the applicant, and therefore he may be granted anticipatory bail.
4. Counsel for the State after verification does not dispute the submissions made by the counsel for the applicant, however, opposes the bail

application only on the ground that on the date of incident the prosecutrix was minor.

5. Having heard learned counsel for the parties and perusal of case diary, considering the age of the prosecutrix and also the fact that subsequently the applicant and the prosecutrix got married and are living together, this court is of the view that it is a fit case to grant 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.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge