

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1289 of 2016**

- Shailendra Yadav s/o. Kanhaiyalal Yaedav, aged 30 years, Caste Rawat (Constable in CAF), Jangalwar College, Kanker), r/o. Manjhapara, Kanker, District Kanker (CG).

---- Applicant**Versus**

- State of Chhattisgarh through SHO PS Kanker, District Uttar Bastar, Kanker Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Shrivastava, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10-03-2017**

1. Apprehending arrest in connection with Crime No. 387 of 2016 registered at Police Station Kanker, North Bastar, Kanker (CG) for offence punishable under Sections 376, 493, 506 IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. As per case of the prosecution, on 7-11-2016 a report was made by the prosecutrix that the applicant in the year 2011-2012 came in contact with prosecutrix and thereafter on the pretext of marriage he committed sexual intercourse with her and subsequently avoided to perform marriage with her and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant had performed marriage with the victim girl on 2-10-2016 in temple at village Sarangpal, Kanker and in this connection an affidavit has also been filed, therefore, considering all the facts and

circumstances, the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the affidavit of the applicant wherein it is stated that he had performed marriage with the victim girl on 2-10-2016 at village Sarangpal, Kanker.
7. Taking into consideration all the facts and circumstances of the case and further considering the affidavit filed by the applicant, I am inclined to extend benefit of anticipatory bail to the applicant.
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 his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant 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/her 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) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

In view of the affidavit filed by the applicant, the complainant may be informed by the Investigating Officer in respect of the affidavit wherein it is stated by the applicant that he had performed marriage with the complainant on 2-10-2016 at village Sarangpal, Kanker, within a period of one month from the date of receipt of a copy of this order.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju