

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1024 of 2017

Vidya Sagar S/o Bodhan Das, Aged About 29 Years Occupation
Service (Shiksha Karmi Grade 3) R/o Village Mulajim Para,
Sitapur, P. S. & Tahsil Sitapur District Sarguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sitapur, District Sarguja Chhattisgarh

---- Respondent

For applicant – Shri S.R. Sinha, Advocate.

For Respondent/State – Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/12/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 224/2017 registered at Police Station Sitapur, District Surguja (C.G.) for offence punishable under Section 354(1)(2) of IPC and Section 11(4) of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 25/10/2017 that the applicant was talking to the prosecutrix for last two years and was asking some sexual favour and having been objected she was abused and threat was extended to eliminate her.
3. Learned counsel for the applicant submits that both the applicant and the prosecutrix have performed marriage in the Arya Samaj on 20/11/2017, therefore no offence is made out, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the marriage certificate and the various photographs

attached with this petition. Considering the same it appears that the prosecutrix has performed marriage with the applicant. Taking into such fact, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 trial court. 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 him by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE