

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 430 of 2017**

1. Jaiprakash Yadav, S/o. Late Harihar Yadav, Aged About 50 Years,
 2. Smt. Priya Yadav, W/o. Jaiprakash Yadav, Aged About 45 Years,
- Both are Caste- Mahkul, R/o. Village- Basantala, Police Station- Narayanpur, District -Jashpur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through: Station House Officer, Police Station- Narayanpur, District-Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/01/2018**

1. Apprehending arrest in connection with Crime No.17/2017, registered at Police Station – Narayanpur, District – Jashpur (C.G.) for offence punishable under Section 493, 376 of the Indian Penal Code and Section 3 and 4 of the Protection of Children from Sexual Offences Act and Section 3 (2-5) of SC/ST Act, the applicants have preferred this application for grant of anticipatory bail.
2. At the very outset, learned counsel for the applicants submits that the applicant No.1- Jai Prakash Yadav was arrested and has been enlarged on regular bail by the Coordinate Bench of this Court, therefore, the counsel seeks permission of this Court to withdraw the bail application in respect of the applicant No.1- Jai Prakash Yadav.
3. Accordingly, the bail application in respect of the applicant No.1 – Jai Prakash Yadav is dismissed as withdrawn.

4. It is submitted by the learned counsel for the applicant No.2 – Smt. Priya Yadav that the applicant has been falsely implicated in this case. No case is made out on the basis of the material in the prosecution case against her. Hence, it is prayed that the applicant No.2 may be benefited with grant of anticipatory bail.
5. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the applicant No.2 had actively participated in the commission of offence against the prosecutrix and hence, she is not entitled for grant of bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents.
7. The brief facts of the case are these that the main accused – Mukesh and the prosecutrix, who below 18 years of age developed relationship because of which, prosecutrix became pregnant. On getting this news, applicants brought the prosecutrix to their house and kept her as their daughter-in-law, where she gave birth to a female child. Subsequent to that, prosecutrix was driven out from their house because of which, the FIR has been lodged. The prosecutrix is member of the scheduled tribe. Hence, the case has been registered against the applicants and others.
8. Considered the submissions made and the contents of the case diary. Considering the material on record it appears that there is no specific allegation that offence against the prosecutrix has been committed for the reason that she is member of scheduled tribe. Considering the other facts and circumstances of the case, this

Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

9. Accordingly, the anticipatory bail application in filed under Section 438 of Cr.P.C. in respect of the applicant No.-2 Smt. Priya Yadav is allowed.
10. It is directed that in the event of arrest of the applicant No.2 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her 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. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself 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) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge