

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 244 of 2018**

Sagar Mane (Sagar @ Sumit) S/o Shri Ghanshyam Mane Aged About 20 Years Student, R/o Sanjay Gandhi Ward No. 34, Near Railway Ram Mandir, Jagdalpur, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bodhghat, District Jagdalpur, - Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Avinash K. Mishra, Advocate.
For the Respondent/ State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.05.2018**

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. 417 of 2017 registered at police station Bodhghat, District Jagdalpur-Bastar, Chhattisgarh for the offence punishable under Sections 363 and 366 of the Indian Penal Code.
3. It is submitted by counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix who is a student of 12th Class, could not perform well in the school test because of which she went to her friends house without informing her parents. After lodging of missing

report, she was recovered on 9.12.2017. She gave her first statement to the police that as she could not perform well in the school, she had gone to her friend's house and similar statement has been given by her to Probation Officer of the school, but after some tutoring she gave a false statement under Section 164 of the Cr.P.C. alleging 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. It is submitted that the prosecutrix is a minor girl. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the contents of the case-diary, the prosecutrix went missing on 4.12.2017. After lodging of missing report, she was recovered on 9.12.2017. Earlier offence was registered under Section 363 of the IPC but subsequent to statement given by the prosecutrix under Section 164 of the Cr.P.C. Section 366 of the IPC was also added. The prosecutrix is a minor girl aged about 17 years.

7. Considered the material present in the case-diary. The first statement of the prosecutrix dated 9.12.2017 and her statement before the Probation Officer is also a part of the case-diary. On going through the statements, the arguments submitted on behalf of the applicant finds some support. Hence, for these reasons, I feel inclined to grant 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 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 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 them 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