

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 648 of 2018

Kundan Sinha S/o S/o Kanhaiya Lal, Aged About 28 Years
Caste Kalar, R/o Bazar Chowk Dondi, Tahsil And Police
Station Dondi, District- Balod Chhattisgarh.

--- **Petitioner**

Versus

State of Chhattisgarh through Police Station Dondi,
District- Balod, Chhattisgarh., District : Balod,
Chhattisgarh

--- **Respondent**

For the applicant : Mr. T. K. Jha, Advocate.
For the State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.07.2018

1. Apprehending arrest in connection with Crime No. 24/2018 registered at Police Station Dondi, District Balod (C.G) for the offences punishable u/s 376 of IPC and section 4, 5(L), 6 of the Protection of Children from Sexual Offences Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by the prosecutrix in the month of May 2018 that while she was minor the present applicant from the year 2012 used to commit sexual intercourse against her will on the pretext of marriage and thereafter refused to marry her, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the incident is alleged to have occurred in the year 2012 and false allegations have been attributed, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the report and statement of the victim u/s 161

of Cr.P.C. The alleged incident is stated to have happened in the year 2012 which continued till just before lodging of complaint in the year 2018.

6. Taking into consideration the statement of prosecutrix and the nature of allegations, without any observation on the merits of the case, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**