

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 225 of 2017

- Pintu S/o Satyanarayan, Aged About 16 Years, R/o Dharampura, Tahsil Jagdalpur, Police Station Kotwali, District Bastar, Chhattisgarh. Represented through his father Satyanarayan., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Jagdalpur, District Bastar, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Narayan, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-02-2018

1. Apprehending arrest in connection with Crime No.370/2016, registered at Police Station – Kotwali, Jagdalpur, District Bastar, Chhattisgarh for offence punishable under Section 341, 363, 366, 376, 342, 323 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant is a juvenile and on the date of incident his age was 15 years 2 months, according to his date of birth in the school register which is mentioned as 09-08-2001. According to the decision of Division Bench of this Court in the matter of **Sudhir Sharma Vs. State of C.G.**, reported in 2017 (3) C.G.L.J. 405 (DB), anticipatory bail application in respect to juvenile offender is maintainable. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the non-applicant/State opposes the application.
4. I have heard the learned counsel for the parties and perused the case diary.

5. The allegation against this applicant is that on the date of incident he forced minor prosecutrix to go along with him against her will and then forced her to submit herself to sexual intercourse without her consent and willingness.
6. Considered on the submissions made and contents of the case diary.
7. As the applicant is a juvenile offender, law itself is lenient in proceeding against juvenile offender, hence for this reason, I am of this view that the applicant should be benefited with grant of anticipatory bail in the present matter.
8. Accordingly, the anticipatory bail application is allowed. 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 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 him by the said Court till disposal of the trial.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge