

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 492 of 2017**

Sanju @ Sanjay, S/o. Bariram, Aged About 27 Years, Occupation- VLE,
R/o. Village -Ghughari Kala, Tahsil -Shankergarh, Police Station -Kusmi
District- Balrampur -Ramanujganj, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station
Ramanujganj, District -Balrampur -Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/01/2018**

1. Apprehending arrest in connection with Crime No.39/2017, registered at Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.) for offence punishable under Section 376 of the Indian Penal Code, 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 and totally improbable story has been put up by the prosecution that the incident has taken place since the year 2003 up to 08.03.2017. Applicant and prosecutrix were friends and prosecutrix wanted to marry this applicant and on his denial, this false FIR has been

lodged against him. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that on the basis of the statement given by the prosecutrix under Section 164 of Cr.P.C. and the contents of the case diary, it is clear case of sexual exploitation on false promise of marriage, hence, he is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicant is this that in the year 2003, when the prosecutrix was aged 13 years, applicant allured the prosecutrix with promise to marry her and established sexual relationship. This relationship continued till 08.03.2017. It was when, the applicant denied to marry the prosecutrix, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. As it appears that in the year 2003, the age of the applicant, if calculated would come out about 14 years. Taking into consideration all the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram