

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1201 of 2018**

1. Shivnarayan S/o Itwar Singh Aged About 45 Years R/o Mahuapani, Akhrar, P.S. - Lormi, Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
2. Karan Marawi S/o Itwar Singh Aged About 40 Years R/o Mahuapani, Akhrar, P.S. - Lormi, Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Of Outpost - Khudia, P.S. - Lormi,
District - Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Ravindar Singh Chhabra and Shri Pallav Mishra, Advocates.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

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 applicants who are apprehending arrest in connection with Crime No. 298 of 2018, registered at Outpost Khudia, Police Station – Lormi, Mungeli, Chhattisgarh for the offence punishable under Section 363, 366 and 376/ 34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. Main accused – Manmohan Marawi in this case has been arrested and placed in detention and the applicants were not involved in the offence in any manner. Applicant No.1 – Shivnarayan, father of the main accused and applicant No.2 – Karan Marawi, uncle of the main accused, are also Government servants. Hence, it is prayed that the applicants 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 looking to the evidence present in the case-diary, the applicants are not entitled for grant of anticipatory bail.

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

6. The case against the applicants and the co-accused persons is that the prosecutrix was allured by the main accused with a promise to marry her and brought her submission for physical relation by deceit because of which, physical relations took place between the applicant and the prosecutrix. When the incident was disclosed to the parents of the prosecutrix, they approached the applicants for marriage of the main accused with the prosecutrix to which these applicants refused and subsequent to that development, the FIR has been lodged.

7. Hence, after due consideration of all the aspects in this case, I am of the considered view that the present is a fit case where the applicants should

be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge