

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1345 of 2018

- Navneet Bhraddwaj S/o Ganesh Bhraddwaj, Aged About 32 Years, R/o Sangam Chowk Charoda Basti Police Station Bhilai -3 Tehsil Patan District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Shri Pramod Shrivastava, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2018

1. Apprehending arrest in connection with Crime No.299/2018, registered at Police Station – Old Bhilai (purani Bhilai), District- Durg, Chhattisgarh for offence punishable under Section 376 of the IPC and Section 6 of the POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The fact is only this, that the applicant and the prosecutrix had love affair between them and after registration of the case a development has taken place that the applicant and the prosecutrix both have agreed to perform marriage. The prosecutrix is now major girl and she has given appearance before this Court to make such statement and she has also filed affidavit in support of her statement before this Court. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of alleged incident, hence, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. The case against this applicant is this, that he allured the minor prosecutrix with a false promise to marry her and then committed offence of rape with her and thereafter he refused to marry her. Hence, this case.

6. After considering on the material present in the case diary and looking to the development that has taken place, I feel inclined to allow this application.

7. 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.

8. It is also made clear that any observation made in this order shall not have any binding effect on the trial of the case against the applicant.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge