

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1241 of 2018**

Bhetanjay Kant Singh Dahariya S/o Shri Sevaram Dahariya Aged About 20 Years R/o Ward No. 8, Ludrupara, Bilha, P. S. Bilha, Tahsil Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Surendra Kumar Dewangan, Advocate.
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 applicant who is apprehending arrest in connection with Crime No. 120 of 2018 registered at police station Bilha, District Bilaspur, Chhattisgarh for the offence punishable under Sections 363 and 366 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Presently, the victim in the case is above 18 years of age, she had willingly accompanied the applicant and had stayed with him since the date of incident i.e. 2.5.2018 and as such, no case is

made out against the applicant. Hence, it is prayed that the applicant 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 the victim in this case is still in the custody of the applicant and she has not been recovered so far. Hence, it is a case in which custodial interrogation may be required. Hence, the application be rejected.

5. In reply, learned counsel for the applicant submits that father of the prosecutrix has filed W.P.(HC) No. 23 of 2018 which has been disposed off by this Court vide order dated 2.8.2018. Hence, under these circumstances, the applicant further becomes entitled for grant of anticipatory bail.

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

7. It is alleged that this applicant has enticed the victim and has kept her in his custody since the date of abduction i.e. 2.5.2018.

8. On perusal of the case-diary, it appears that the victim has communicated the Investigation Officer through a letter informing that she has willingly accompanied the applicant and they have also married. Hence, after overall consideration of all the material present in the case-diary, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

9. Accordingly, the anticipatory bail 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge