

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 940 of 2017

- Arun Kuamr Khandekar S/o Mahendra Kumar Khandekar, Aged About 21 Years R/o Village Karumahu Gutrabhawar, Police Station And Tehsil Akaltara, District Janjgir Champa Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Bilaspur District Bilaspur Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate.

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.296/2017 registered at Police Station-Civil Line, District-Bilaspur (C.G.), for the offence punishable under Section363 of the Indian Penal Code (for short 'IPC') .
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted applicant and the prosecutrix had love affair between them and the prosecutrix is the major girl and both of them have married. A false report was lodged by mother of the prosecutrix. When the application for anticipatory bail

was moved before the learned Sessions Court below, the prosecutrix and her parents had filed affidavit stating in it, that they have no objection in grant of anticipatory bail to the applicant which was not taken into consideration. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident the age of prosecutrix was just 15 years and 3 months, according to the entry in the school register, hence, no case is made out for grant of anticipatory bail.
4. Heard both the counsel and perused the case diary.
5. It is alleged that applicant abducted the minor prosecutrix.
6. Considering on the entire material present in the case dairy and also perused the certified copy of the order of the Sessions Court rejecting the application of this applicant, in which, it is mentioned that the prosecutrix and her parents had filed affidavit stating in it that they have no objection if the applicant is granted anticipatory bail.
7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha