

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 966 of 2017**

Ajay Badi @ Handu S/o Sundar Singh Aged About 26 Years
Occupation Labor, R/o Village Devari, P. S. and Tahsil Batouli, District
Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Sitapur, District
Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vineet Kumar Pandey, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2018**

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. 215 of 2014, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5(th)/ 6 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix in this

case is a major woman and she is willingly living with the applicant. Both of them have married and are living together as husband and wife and they have a child aged about 2 years. Hence, it is prayed that applicant is entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The prosecutrix went missing. Thereafter, her mother lodged a missing report in P.S. Sitapur expressing her doubts on this applicant. The prosecutrix was recovered from the custody of this applicant on 22.12.2014 when she has having pregnancy of seven months. According to investigation, the age of the prosecutrix was below 18 years on the date of incident.

7. On perusal of the certified copy of the affidavit that was filed before the Sessions Court, in which the prosecutrix has expressed no objection if the applicant is granted anticipatory bail and also looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. before the Judicial Magistrate First Class, I am of the considered view that the applicant deserves to be released on anticipatory bail.

8. 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. He 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 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