

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1454 of 2018

1. Manoj S/o Bhagat Ram Aged About 32 Years R/o Village Bharni (Sakri)
Police Station Sakri Tahsil Takhatpur District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh
2. Anjana W/o Manoj Aged About 28 Years R/o Village Bharni (Sakri)
Police Station Sakri Tahsil Takhatpur District Bilaspur Chhattisgarh.,
District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Jarhagaon District
Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicants : Mr. Amit Kumar, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/12/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.175/2018 registered at Police Station- Jarhagaon, District – Mungeli(C.G.), for the offence punishable under Sections 363, 366 of the Indian Penal Code & Section 8 POCSO Act.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that according to the evidence present in the case diary, these applicants

had played no role in the commission of offence. The allegation against them is only that they were making attempt to send the prosecutrix to her parental home, when the parents of prosecutrix met them which does not make out any offence, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that prosecutrix was a minor on the date of incident, hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the case against the applicants is this that the minor prosecutrix was abducted by co-accused Akshay Bhargav who brought the girl and then has outraged her modesty. Hence, this case.
6. Considered on the material present in the case diary, the applicants are not the main accused in this case. The allegation against them is only is this that they have helped the main accused, for this reason, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. 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 their 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 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 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 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