

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 106 of 2019

- Roshan Pandey S/o Ram Bihari Pandey, Aged About 32 Years, R/o Tulsi Residency (Awasi) Rajkishore Nagar, Police Station- Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Scheduled Caste/ Scheduled Tribe (Ajak), Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashish Shukla, Advocate.

For Non-applicant/State – Shri Lav Shrama, Panel Lawyer.

Shri Deepak Kumar Singh, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2019

1. Apprehending arrest in connection with Crime No.214/2018, registered at Police Station – SC/ST (Ajak), Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 376 of the IPC, Section 4 of POCSO Act, 2012, Sections 3(2) V (V-A), 3(1)(B) (i) (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail. This is second application filed by the applicant under Section 438 of the Cr.P.C. before this Court. His first application filed before this Court for grant of anticipatory bail was dismissed as withdrawn. This application has been filed on the ground that the applicant and the complainant have compromised the dispute.

2. It is submitted by learned counsel for the applicant that the prosecutrix had been a minor girl on the date of incident and she has herself entered into a compromise and sworn on affidavit that she wants to withdraw the complaint against applicant. Copy of the affidavit has been filed alongwith this application. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecutrix herself and her father Anjordas Guleri are present in person along with their counsel Shri Deepak Kumar Singh, Advocate. Both of them made a statement before this Court that because of compromise between the parties they do not wish to oppose the application for grant of anticipatory bail.
6. It is alleged that this applicant by alluring the prosecutrix, a minor girl belonging to Scheduled Caste, established physical relation with her and then has refused to marry her.
7. After considering on the submissions and contents of the case diary and particularly the statement made by the prosecutrix and her father before this Court, I feel inclined to allow this application.
8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil