

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 233 of 2019

- Deepak Tandon S/o Panch Ram Tandon Aged About 21 Years R/o Village Adbhar, P. S. Adbhar Chauki, Tahsil Malkharouda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Malkharouda, Out Post Adbhar District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashish Shukla, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

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

01/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.303/2018 registered at Police Station-Malkharouda Out Post Adbhar, District-Jangir-Champa(C.G.), for the offence punishable under Sections 376, 354(C), 354(D) of the IPC and Section 12 POCSO Act, 2012.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The mother of the victim has lodged totally false FIR against the applicant, which has been clarified in the statement given by the victim herself under Section 164 of CrPC, that no such offence has been committed, hence, it is prayed that this

applicant may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the FIR lodged no case is made out for grant of anticipatory bail. However, it is admitted that in the statement of under Section 164 of CrPC the victim has clearly stated in favor of the applicant.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, the applicant allured the minor prosecutrix and took her with him in the house of one Kameshwar Banjare. The mother of the victim started searching for her and the victim was recovered from the house of Kameshwar Banjare.
6. After considering on the material present in the case diary, and also perused the statement of victim under Section 164 of CrPC, looking to the development that has taken place, I feel inclined to grant anticipatory bail to the applicant.
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 him by the said Court till disposal of the trial.

(Rajendra Chandra Singh Samant)
Judge

Nisha