

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 243 of 2019**

Tirthraj, S/o. Premsingh Verma, Aged About 24 Years, R/o. Pathrikhurd,
Police Station- Parpodi, Tahsil- Saja, District- Bemetara, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Parpodi,
District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Atanu Ghosh, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/03/2019**

1. Apprehending arrest in connection with Crime No.106/2015, registered at Police Station – Parpodi, District – Bemetara (C.G.) for offence punishable under Section 363, 366A, 376 of the Indian Penal Code and Section 4, 5, 6 of POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant and the prosecutrix both have married, regarding which affidavit was filed. The prosecutrix herself has filed affidavit in support of the application stating that she has no objection in grant of anticipatory bail to the applicant and also she does not want to prosecute the applicant. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that

the prosecutrix was minor on the date of incident, therefore, no case is made out for grant of anticipatory bail. However, it is submitted that affidavit filed by the prosecutrix has been verified by the investigation officer and it has been found that the applicant and the prosecutrix both have performed married in Arya Samaj Temple on 13.01.2019.

4. The prosecutrix herself present in person before this Court she has been identified by Mr. Atanu Ghosh, counsel for the applicant and she has made statement that she does not want to prosecute the applicant and she has no objection in grant of anticipatory bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Without going into the merits of this case on the basis of the development that has taken place, it appears that the married life of the prosecutrix has to be taken into consideration, therefore, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram