

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 313 of 2019

- Arun Kumar Khandekar, S/o Mahendra Kumar Khandekar, aged about 23 Years, R/o Village-Karumahu(Gutrabhawar) , Police Station & Tahsil- Akaltara, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate.
For Respondent : Mr. Rahim Ubwani, Panel Lawyer.

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

12/03/2019

1. This is the second bail application filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973. His first application was allowed vide order dated 27.3.2018 by this Court granting protection in connection with Crime No.296/17 registered under Section 363 of IPC.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest again in connection with Crime No.296/2017 registered at Police Station-Civil Line, District-Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Section 3 & 4 of the Prevention of Children from

Sexual Offences Act, 2012.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. In connection with the same crime number, this Court has granted anticipatory bail to this applicant vide order dated 27.3.2018 passed in MCRCA No.940/2017 and subsequent to that, the applicant has received a notice from the police-station informing him that the offence under Sections 366 & 376 of IPC and Sections 3 & 4 of POCSO Act have also been added in the case and therefore he has apprehension that he may be arrested by the police at any point of time. Earlier application was considered on the basis of the same evidence which present in the case diary. Somehow to arrest the applicant, the additional offences have been added by the police, therefore, it is prayed that applicant be granted anticipatory bail.
4. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was a minor on the date of incident and according to the statement given by her, the offence against the applicant is made out, therefore, the application is liable to be rejected.
5. Heard both the parties and perused the case diary.
6. In the earlier order dated 27.3.2018 passed by this Court, the application for grant of anticipatory bail was allowed on the ground that the prosecutrix and her parents had filed affidavits before the Court below expressing no objection to the granting of anticipatory bail.
7. There appears to be no change in the conduct of the prosecutrix and her parents. According to the statement given by her, she is living a

married life with applicant and out of their wedlock, a child was born. Earlier application of this applicant was allowed on the material that was present in the case diary in which there appears to be no change except the statement of prosecutrix, therefore, I feel inclined to grant anticipatory bail to the applicant.

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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge