

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 481 of 2019

- Siddharth Gajbhiye S/o Ashok Gajbhiye, Aged About 27 Years, R/o House No. 94, Ward No. 56, Bidi Colony, Urla, Police Station Mohan Nagar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station – Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Samdarsh Nirankari, Panel Lawyer.

Shri Vijay Kumar Sahu, Advocate for the prosecutrix/victim.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-05-2019

1. Apprehending arrest in connection with Crime No.527/2015, registered at Police Station – Durg, District Durg, Chhattisgarh for offence punishable under Section 363, 366, 376 of the IPC and Section 3, 1, 4 of the POCSO Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and apart from that, the applicant and the prosecutrix both had love affair and as a result they have married on 13-04-2016. The prosecutrix herself has appeared before this Court to make statement that she has no objection in grant of anticipatory bail. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Learned counsel appearing for the prosecutrix has submitted that the prosecutrix has no objection in grant of anticipatory bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the allegations in the FIR, the applicant abducted the minor

prosecutrix and then committed offence of rape with her.

7. After considering on contents of the case and submissions made by the parties and also for the reason that the prosecutrix has married and the applicant and the prosecutrix are living together and there is no objection by the prosecutrix herself, 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