

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 587 of 2019**

Lavlesh Kashyap, S/o. Tejkumar Kashyap, Aged About 24 Years, R/o. Village Raveli, Police Station Lormi, District Mungeli Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vivek Tripathi, Advocate
For Respondent/State	: Ms. Smita Jha, Advocate
For Complainant	: Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/04/2019**

1. Apprehending arrest in connection with Crime No. 99/2019, registered at Police Station – Lormi, District – Mungeli (C.G.) for offence punishable under Section 363, 366, 376, 506 of the Indian Penal Code and Section 4, 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 prosecutrix in this case is aged about 18 years and she had been a consenting party. The applicant and the prosecutrix both have married before the Arya Samaj Sanskar Seva Samiti, Bilaspur regarding which certificate has been issued, copy of which is attached as Annexure A/2. The prosecutrix herself has appeared before this Court on 11.04.2019 for making a statement of no

objection. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned counsel for the respondent opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the statement under Section 161 of Cr.P.C. of the prosecutrix, no case is made out for grant of anticipatory bail.
4. Counsel for the complainant/prosecutrix has made a statement that the prosecutrix 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. According to the FIR lodged, the applicant has exploited the minor prosecutrix sexually for almost two years and then by putting her under threat, he forcefully performed marriage with the prosecutrix on 01.02.2019 for which the prosecutrix was not willing. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the statement of no objection made by the prosecutrix before this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 investigation 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