

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 723 of 2019

- Dharamdas S/o Late Bhagwat Kosle, Aged About 24 Years, R/o Village - Barahi, Police Station - Takhatpur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

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

09-07-2019

1. Apprehending arrest in connection with Crime No.337/2017, registered at Police Station – Takhatpur, District- Bilaspur, Chhattisgarh for offence punishable under Section 363, 376, 34 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012, 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. There is no allegation against this applicant with respect to abduction of the prosecutrix and committing offence of rape with the prosecutrix. The only role attributed to this applicant is this, that when the prosecutrix was living with the main accused, this applicant had been to their place with his parents and had driven out the prosecutrix from the house of the main accused after beating and assaulting her. On this basis, the applicant is entitled for grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecutrix in this case went missing on 10-08-2017 regarding which a missing report was lodged on 27-08-2017. The prosecutrix then

recovered on 28-01-2019 she has made statement that she was allured by the main accused Kush Kumar with a promise to marry her, because of which she went along with him and stayed in Goa and Delhi for a few months and during this stay she was exploited sexually by co-accused Kush Kumar. The allegation against this applicant is this, that he along with others went to the place where the co-accused was residing with the prosecutrix and after beating and thrashing the prosecutrix has driven her out.

6. After considering the evidence present against this applicant in the present case, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge