

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 738 of 2019

- Ravi Kumar Yadav S/o Late Natthuram Yadav, Aged About 26 Years, R/o Sadar Naka, Green Chowk, Behind Petrol Pump, Durg, P.S. Mohan Nagar, Tahsil and District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri C.R. Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-06-2019

1. Apprehending arrest in connection with Crime No.445/2019, registered at Police Station – Mohan Nagar, District- Durg, Chhattisgarh for offence punishable under Section 363, 366, 376 of the IPC and Section 5(३), 6 of Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application under Section 438 of the Cr.P.C. 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 applicant and the prosecutrix had love affair and both of them had married after the prosecutrix has attained the age of 18 years. The prosecutrix herself has filed affidavit before this Court and also she is present before this Court to make statement in this respect. Therefore, the applicant has not committed any offence. Hence, it is prayed that application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. The prosecutrix is present in person before this Court. She has been identified by her counsel Shri S.P. Sahu. She states that she has married the

applicant and is residing in her matrimonial home, therefore, she has no objection if the anticipatory bail is granted to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. The allegation against the applicant is this, that, he abducted the minor prosecutrix and had physical relation with her which amounts of offence of rape.

7. After considering on the change in circumstances that have taken place and that the prosecutrix has made favourable statement for the applicant, 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