

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 981 of 2019**

- Lakhan Keshri And Anr. S/o Shri Lal Ji Gupta Aged About 25 Years R/o Patharra, Thana Pendra, District Bilaspur Chhattisgarh
- Ajay Shrivastava @ Ajju S/o Shri Ram Suman Aged About 24 Years R/o Sakola, Thana Pendra, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Chowki, Kotmi, Police Station Pendra, District Bilaspur Chhattisgarh.,

---- Respondent

For Petitioner	: Shri Achyut Tiwari, Advocate
For Respondent/State	: Shri I. Lakra, Dy.GA

Hon'ble Smt. Justice Rajani Dubey**Order On Board****02/08/2019**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No. 127/2019 registered at Police Station Pendra, district Bilaspur (CG) for the offence punishable under Sections 294,506,354,34 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution in brief is that applicant No.1 and the complainant were having love affair and they were willing to marry. It

is alleged that they have developed physical relations and she became pregnant. This relationship was not liked by her parents and on 05.05.2019, mother and brother-in-law of the complainant forcefully performed her marriage with another person at village Dindori. Further case of the prosecution is that after marriage, brother-in-law of the complainant used to threaten the applicant No.1 for implicating him in false case. However, when the family members of the complainant came to know about her pregnancy they left her in the maternal house from where she was ousted and then the applicant No.1 took her to his uncle at village Nawagaon. It is alleged that brother-in-law of the complainant had lodged a false report against the applicant.

3. Contention of the counsel for the applicant is that the applicants have been falsely implicated. He further submits that applicant No.2 has been involved only because he is the friend of applicant No.1. He submits that in the FIR, it has been mentioned that some quarrel took place between the mother of the complainant and the applicants and they had intimidated that they will take her daughter away which was wrongly interpreted and they have been involved in the crime in question. Lastly, he submits that sister and mother of the prosecutrix have filed affidavit stating that they have lodged a false report against the applicants.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard counsel for the parties.

6. Considering the totality of the facts, in particular, the nature of allegations against the applicants, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on their furnishing a bond in the sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the Officer arresting them. They shall abide by all the terms and conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

7. This order shall be operative for a period of 60 days from today. During this period, the applicants shall apply for regular bail under Section 439 of the Code of Criminal Procedure before the competent court.

Sd/-

(Rajani Dubey)
Judge