

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1122 of 2019**

1. Rohit Burman, S/o Shri Hemant Kumar Burman, Aged About 22 Years, Caste Dhimar, R/o Village Gaurella (Pateratola), Ward No. 01.
2. Akash @ Raja Mohant S/o Shri Om Prakash Mohan Aged About 23 Years Caste Panika, R/o Purana Gaurella, Thana- Gaurella, Tehsil- Pendra-Road, District- Bilaspur, Chhattisgarh.
3. Vinod Kumar S/o Shri Ram Milan Chakradhari Aged About 23 Years Caste Kumhar, R/o Purana Gaurella, Thana- Gaurella, Tehsil- Pendra-Road, District- Bilaspur, Chhattisgarh.
4. Deepak Tiwari S/o Sunil Tiwari Aged About 21 Years Caste Bramhin, R/o Purana Gaurella, Thana- Gaurella, Tehsil- Pendra-Road, District- Bilaspur, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through S.H.O., P.S.- Gaurella, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Shri Achyut Tiwari, Advocate.

For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****23/10/2019**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 160/2019 registered at Police Station Gaurella, District – Bilaspur, (C.G.) for the offence punishable under Sections 452, 363, 323, 34 of I.P.C.
2. As per the prosecution story, Complainant Raj Kumar Anade lodged a complaint against Applicants alleging that they entered in his house,

abused him, beaten him and took his daughter Preeti (minor daughter) away. On the basis of the said complaint, offence has been registered.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that Applicants have never met with the Complainant. Daughter of the Complainant and Applicant No. 01 have solemnized their marriage at Arya Samaj and she is with Applicant No. 01 with her own consent. Since daughter of the Complainant had performed marriage with the Applicant No. 01 without his permission, therefore, a false and fabricated complaint has been made against the Applicants. It is further submitted that a marriage certificate issued by Arya Samaj is also submitted by Applicants and according to the marriage certificate, Applicant No. 1 and daughter of the Complainant have performed marriage with each other on 12.06.2019. Also, according to the affidavit submitted by the daughter of the Complainant, her date of birth is 29.10.1998, which is also mentioned in her Aadhar card. Therefore, *prima facie*, no case is made out against the present Applicants. Looking to the above, Applicants may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and further considering the deposition made by daughter of the Complainant that at the relevant time, her age was more than 18 years and she has already performed marriage with Applicant No. 1 on 12.06.2019 and is residing with him, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge