

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1351 of 2019

- Jaykumar S/o Pulkitram Aged About 22 Years Caste - Satnami, R/o Gram- Khajuri Nawagaon, Thana- Sakri, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Aarakshi Kendra Sakri, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Krishna Kumar Khatri, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 82/2019, registered at Police Station Sakri, Distt. Bilaspur (C.G.) for the offence punishable under Section 363 & 366 of the IPC.
2. In this case, at the relevant time, age of the prosecutrix is about 17 years 11 months. As per prosecution story, on 15.03.2019, a missing report has been lodged by father of the prosecutrix namely Vijay Kumar. On the basis of said report offence under Section 363 & 366 of the IPC has been registered. On 26.06.2019, prosecutrix returned to her house thereafter her statement under Section 161 of Cr.P.C. has been recorded on the same day.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually there was a love relationship between the applicant and the prosecutrix due to that, the prosecutrix left her house on her own will. He further submits that on 17.05.2019, they both have performed marriage in *Arya Samaj*, Raipur (C.G.). In her statement recorded under Section 161 of Cr.P.C., she has not stated anything against the applicant. Thereafter, on 02.07.2019, on being pressurized by her family members, she has stated against the applicant. At the time of incident, the prosecutrix was above 18 years of age. Learned Counsel for the applicant submits that as the prosecutrix left her house on her own will, she performed marriage with the applicant and at the time of incident she was above 18 years of age, therefore, no offence can be made out against the applicant. He finally submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that as per material available on record date of birth of the prosecutrix is 25.04.2001, therefore, prima facie her age was below 18 years. She further submits that In her statement recorded under Section 164 of Cr.P.C., she has stated against the applicant. Hence, it is prayed that the applicant may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that on 26.06.2019, when statement under Section 161 of Cr.P.C. was recorded, the prosecutrix has not stated anything against the

applicant and she has performed marriage with the applicant also. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge