

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1357 of 2019

- Sunil S/o Motilal Aged About 22 Years Caste - Harijan, R/o Village - Govindpur, Police Chowki - Revti, Police Station - Chandaura (Wrongly Mentioned As Chanchhaura), Tahsil - Pratappur, District - Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Chowki - Revti, Police Station - Chandaura, District - Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhinav Shrivastava Advocate on behalf of Mr. DN Prajapati, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/11/2019

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. 41/2019, registered at Chowki-Revti, Police Station Chandaura, Distt. Surajpur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 & 6 of the POCSO Act, 2012.
2. As per prosecution story, it is alleged that on 21.07.2019, the applicant and other co-accused person namely Shiv Prasad took the prosecutrix from her house and taken her to village Govindpur, thereafter, the applicant went away and the co-accused Shivprasad committed sexual intercourse with the prosecutrix in Pahi house of

village Govindpur.

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 on the date of incident he was going on his motorcycle and on the way Shivprasad and prosecutrix were standing and requested the applicant for lift due to which he has given lift to both of them on his motorcycle, apart from this no other act has been done by the applicant. *Prima facie* no case can be made out against him. He further 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.
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 at the time of incident he has only given lift to the prosecutrix and the main accused Shivprasad. 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