

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1559 of 2019

- Alijan S/o Jamaluddin Aged About 71 Years Caste - Musalman, R/o Village Dabgadi (Barbaspur) Police Station And Tahsil Pratappur, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Pratappur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. VK Pandey, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/12/2019

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. 29/2019, registered at Police Station Pratappur, Distt. Surajpur (C.G.) for the offence punishable under Sections 363, 366 (A), 376, (2) (n), 506 & 368/34 of the IPC and Section 4 & 6 of the POCSO Act.
2. As per prosecution story, at the relevant time, age of the prosecutrix was about 17 years. On 11.03.2019, father of the prosecutrix lodged a missing report of her daughter/prosecutrix alleging therein that from 05.03.2019 his daughter was missing from his house and he made an allegation that co-accused Rustam has abducted her. On the basis of said report, initially offence under Section 363 of the IPC has been registered. On 10.05.2019, the prosecutrix was recovered thereafter her statement was recorded, she stated in her statement

that co-accused Rustam with the help of co-accused Kulsum abducted her and then he married with the prosecutrix and kept her in the house of co-accused Safina Bibi. Allegedly, the applicant had assisted the co-accused Rustam in the crime in question. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. In FIR no name of the applicant was mentioned. The main accused is Rustam in the matter. The counsel further submits that on the same facts and evidence, co-accused Kulsum and Safina Bibi already granted benefit of bail by this Court vide order dated 03.12.2019, passed in MCRCA No. 1497/2019. Hence, it is prayed that the applicant may also be granted benefit of 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 on the same facts and evidence, co-accused Kulsum and Safina Bibi already granted benefit of bail by this Court. 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. 20,000/- 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 themselves 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