

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1582 of 2019

- Tulsi Sahu S/o Nandkumar Sahu Aged About 19 Years R/o Village- Parsada, Post- Bharni, Tahsil- Takhatpur, District- Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Sakri, District- Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/11/2019

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. 216/2019, registered at Police Station Sakri, Distt. Bilaspur (C.G.) for the offence punishable under Sections 363 & 376 of the IPC and Sections 4 & 6 of the POCSO Act, 2012.
2. In this case, age of the prosecutrix at the relevant time is about 16 years 10 months. As per prosecution story, on 12.07.2019, a report was lodged regarding missing of prosecutrix, on the basis of such report offence under Section 363 of the IPC has been registered against unknown person. During course of investigation on 13.07.2019, the prosecutrix was recovered and her statement was recorded. On the basis of her statement the applicant has been

arrested on 14.07.2019. Thereafter, the applicant had moved an application for grant of regular bail before the Court below vide order dated 14.07.2019 itself. The Court below has granted regular bail to the applicant. Thereafter, on 16.07.2019, the statement of prosecutrix was recorded under Section 164 of Cr.P.C., wherein, she has disclosed the fact that on 12.07.2019, the applicant has committed forcible sexual intercourse with her, therefore, offence under Section 376 of the IPC and Section 4 & 6 of the POCSO have been added.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that initially on 13.07.2019, when the statement of prosecutrix recorded under Section 161 of Cr.P.C., she has not stated anything regarding forcible sexual intercourse and after granting regular bail by the Court below to the applicant, on being influenced by her family members on 16.07.2019, she has alleged in her Court statement recorded under Section 164 of Cr.P.C that rape has been committed by 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.
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 the applicant has already granted benefit of regular bail by the Court below and thereafter on the basis of statement recorded under Section 164 of Cr.P.C. other offence have been added. 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