

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1560 of 2018

- Tulesh Kumar Sahu S/o Ram Prasad Sahu, Aged About 30 Years, R/o Tahsil Road, Sindhi Colony Champa, Police Station Champa, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through, Station House Officer Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri A.N. Bhakta, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-01-2019

1. Apprehending arrest in connection with Crime No.806/2017, registered at Police Station – Sarkanda, District - Bilaspur, Chhattisgarh for offence punishable under Section 354, 363, 366, 506 of the IPC & Section 11 & 12 of Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail. This is second application filed by the applicant under Section 438 of the Cr.P.C. before this Court. His first anticipatory bail application was dismissed as withdrawn.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is aged about more than 18 years and she and the applicant both had love affair between them for about two years. As the family members of the prosecutrix were against the union of both in marriage, therefore, false complaint has been given. The prosecutrix has given affidavit in support of the applicant in which she has admitted about the love affair and objection of her family and has also stated that no immoral act has been done by the applicant with her. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application on

the basis of the statement in the FIR, whereas, he makes statement that copy of the affidavit filed along with the application has been verified and it has been reported by the I.O. that the prosecutrix has given such statement on the affidavit which is present in the case diary.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is this that he firstly outraged modesty of the minor prosecutrix and then abducted her from lawful guardianship for subjecting her to sexual intercourse by putting her under threat and thus committed the offence.

6. After due consideration on the material present in the case diary and looking to the development which has occurred because of filing of the affidavit by the prosecutrix before the investigating agency, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil