

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 223 of 2020

Vinod Pradhan S/o Shri Narsingh Pradhan Aged About 28 Years R/o Village Milupara, P. S. Tamnar, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Officer-In-Charge, P. S. Tamnar, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.
For Respondent/State : Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/03/2020

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. 71/2019, registered at Police Station Tamnar, Raigarh, Distt. Raigarh (C.G.) for the offence punishable under Sections 376, 294, 506 & 34 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per prosecution story, at the relevant time age of the prosecutrix was about 17 years. On 02.05.2019, she filed a written complaint in concerned Police Station alleging therein that on 28.03.2019 at about 4 PM when she was in the house of present applicant who is her cousin brother, at that time, co-accused Pradeep Gupta came there and took her inside the room and on the pretext of marriage, co-accused Pradeep Gupta committed sexual intercourse with her. On the basis of said complaint, 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. He further submits that in this case, the main accused is Pradeep Gupta who has already been granted regular bail. The Counsel further submits that after the incident co-accused Pradeep Gupta and the prosecutrix have performed marriage with each other and they both have residing together. The Counsel further submits that prosecutrix has no objection if

anticipatory bail is granted to the applicant and in this regard, she has also made an affidavit. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 facts that co-accused Pradeep Gupta has already granted benefit of regular bail and the prosecutrix have no objection if anticipatory bail is granted to the applicant and in this regard, she has also made an affidavit. 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 solvent 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 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