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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 974 of 2020

Ajay Baghel S/o Gaurishankar Baghel aged about 24 years, R/o Village Bijradih, Chowki, Ghidhpuri, Police Station Palari, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Gidhpuri, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	: Mr. Satya Prakash Verma, Advocate.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09.11.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.428/2017, registered at Police Station: Gidhpuri, District: Baloda-Bazar (C.G.) for the offence punishable under Section 363 of IPC.
3. In this case, at the relevant time, the age of the prosecutrix was about 17 years 05 months. According to the case of prosecution, on 23.11.2017, father of the prosecutrix made a missing report of her daughter in the concerned Police Station. On the basis of report by the father of the prosecutrix, initially offence under Section 363 of IPC was registered. During course of inquiry, the prosecutrix was recovered. Her statements were recorded. On the basis of her statement offence has been registered.

2.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. Virtually, prosecutrix went at the home of her aunt (*mausi*) without informing her parents. He also submits that prosecutrix and the Applicant have already performed marriage and they are residing as husband and wife for last 3 years and out of their wed-lock one child is also born. Prosecutrix as well as her parents also executed an affidavit in this regard and they have no objection for grant of bail to the Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and material available on record and after perusal of the affidavit given by the prosecutrix and her parents, it appears that both the prosecutrix and the Applicant are living together as husband and wife and out of their wed-lock one child is also born, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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

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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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh