

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1059 of 2020**

- Nobel Prasad Anant S/o Romsai Anant, Aged About 26 Years R/o Village - Kureli, Police Station - Hirri, Tahsil - Takhatpur, District - Bilaspur Chhattisgarh.

---- Petitioner**Versus**

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

---- Respondent

For Applicant
For Respondent /State

Mr. Amit Singh, Advocate
Mr. Ayaz Naved, Government
Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****26/11/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory to the applicant, who is apprehending his arrest in connection with Crime No.78/2020 registered at Police Station Hirri, District Bilaspur (CG) for the offence punishable under Section 363 of the IPC.
3. The father of the prosecutrix lodged a report of the missing person on 7.6.2020 raising suspicion over the applicant that

since he is also not available in the village since after 31.5.2020, it is he who might have abducted his daughter. In the diary statement of the prosecutrix, she would state that she was in love with the applicant, therefore, due to her parents scolding, she left the house, called the applicant and went with him on a motorcycle from Nehru Chowk, Bilaspur. According to her statement, the prosecutrix stayed in the house of her friend Mahi Nishad from 31.5.2020 to 18.6.2020 and thereafter, performed marriage with the applicant at Arya Samaj Temple, Baidyanathpara, Raipur. In the statement, she says that since she is more than 18 years of age, she is free to decide her own course of action and that she has married with the applicant on her own free will.

4. Considering the statement of the prosecutrix and particularly considering the fact that presently, the prosecutrix is more than 18 years of age, I am of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicant.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) he 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 for disclosing such facts to the Court or to any Police Officer.

- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Gowri