

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1100 of 2020

Dheeraj Soni S/o Krishna Soni Aged About 21 Years R/o Mandir Road,
Shivrinarayan, Police Station Shivrinarayan, District Janjgir-Champa,
Chhattisgarh
---- **Applicant**

Versus

State Of Chhattisgarh Through- District Magistrate, Police Of Police
Station- Shivrinarayan, District- Janjgir-Champa, CG --- **Respondent**

For Applicant	:	Mr. Anil Gulati, Advocate.
For Respondent/State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/12/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.151/2020 registered at police station – Shivrinarayan, District Janjgir Champa CG for alleged commission of offence under Section 354, 354 (घ), 506 of IPC and Section 8 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution is that the applicant caught hold of the prosecutrix to outrage her modesty. The prosecutrix stated to be less than 18 years of age.

3. Learned counsel for the applicant would submit that in fact the applicant and prosecutrix were having an affair as both are of tender age. He would submit that some kind of dispute later arose, which has led the prosecutrix to lodge the report against him on an exaggerated story. It is further argued that the applicant has not committed any offence and the allegations are utterly vague without giving any detail as to what exactly the applicant had done. Learned counsel for the applicant also refers to some of the photographs showing applicant and the prosecutrix and letter of the prosecutrix sent to the applicant reflecting existence of affair between them.

4. On the other hand, learned counsel for the State would argue that on the face of FIR dated 11.02.2020 lodged in the instance of the complainant, herself, a prima facie case is made out and merely because the applicant

claims that he had an affair with the prosecutrix, who is otherwise a minor, it cannot be said that nothing happened with the prosecutrix and the applicant is being falsely implicated.

5. Having heard learned counsel for the parties, on prima facie consideration, it appears that the report of the prosecutrix is that the applicant caught hold of her. Except this, he has not stated anything either in the FIR or in 164 Cr.P.C. statement. The applicant has placed on record certain photographs also. This was also noted that by the Court that the allegation in the FIR as well as in 164 Cr.P.C. statement, the prosecutrix has named Ayush Soni, S/o Gangu, whereas name of the present applicant is Dheeraj Soni and his father's name is Krishna Soni.

6. Without commenting upon the merits of the case, considering the age of the applicant and the manner in which the report has been made and contents thereon, I am inclined to protect the applicant by grant of anticipatory bail. Accordingly, the application is allowed.

7. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

It is made clear that the bail is being granted to the applicant on specific condition that the applicant shall not make any attempt to contact the prosecutrix. In case, in future, such allegations are repeated, by the prosecutrix against the applicant, it would be open for the State or prosecutrix to apply for cancellation of bail.

Sd/-

(Manindra Mohan Shrivastava)

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