

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1182 of 2020**

- Vishnu Kashyap S/o Lalta Prasad Kashyap, Aged About 59 Years
R/o Village Pendri Khurd Post Office Kishungarh Police Station
Pandariya District Kabirdham Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Incharge S.O. Police Station ,
Pandariya, District Kabirdham Chhattisgarh

---- Respondent**MCRCA No. 1189 of 2020**

1. Chhannu Kashyap S/o Ramadhin Kashyap, Aged About 54 Years
R/o Village Pendri Khurd Post Office Kishungarh Police Station
Pandariya District Kabirdham Chhattisgarh
2. Jeethu Ram Sahu S/o Nanhe Sahu Aged About 48 Years R/o
Village Ramtala Police Station Pandariya District Kabirdham
Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Incharge S.O. Police Station,
Pandariya, District Kabirdham Chhattisgarh

---- Respondent

For Applicants	Ms. Usha Chandrakar, Advocate
For Respondent /State	Mr. Alok Bakshi, Additional Advocate General

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

4/12/2020

1. Heard.
2. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.112/2020 registered at Police Station Pandariya, District Kabirdham (CG) for the offence punishable under Sections 10, 11 of the Prohibition of Child Marriage Act, 2006.
3. Applicant Vishnu Kashyap in MCRCA No.1182 of 2020 is the grandfather of one out of the two bridegrooms involved in the present case. Applicants Chhannu Kashyap and Jeethu Ram Sahu in MCRCA No.1189 of 2020 are the Sarpanch and Up Sarpanch respectively of the concerned village. The allegation against them is of promoting or permitting solemnization of child marriage.
4. The material available in the case diary indicates that the two boys and two girls involved in the case were having an affair. On the date of the offence, both the boys had gone to the house of the two girls, who are sisters and were caught red

handed by the elders. Thereafter, a meeting was convened, wherein, the boys and girls were made to sign a "*Sahmati Patra*" about the affair and performance of marriage. While the prosecution alleges that they were in fact married on 1.6.2020 but learned counsel for the applicants submits that pursuant to "*Sahmati Patra*", they were engaged on the said date and no marriage has ever taken place.

5. Learned counsel for the State Counsel vehemently opposes the bail application.
6. Be that as it may, the foundational fact points to an affair between the boys and girls, therefore, the grandfather, Sarpanch and Up Sarpanch appear to be involved in sorting out the matter and during that course, "*Sahmati Patra*" might have been written.
7. Considering the nature of the offence and all relevant aspects of the matter, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) they shall make themselves available for interrogation by

a Police Officer as and when required;

- (ii) they 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) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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