

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1388 of 2020

Shivdayal Ratre S/o Mahetar, aged about 22 years, Caste- Satnami,
R/o Gram- Chote Katekoni, Thana and Tehsil: Dabra, District- Janjgir-
Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- P.S.- Malkharoda, District Janjgir
Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Complainant	: Mr. Ravindra Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

06.11.2020

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.205/2019, registered at Police Station: Malkharoda, District: Janjgir-Champa (C.G.) for the offence punishable under Section 315, 376 of IPC and Section 06 of POCSO Act, 2012.
3. In this case, at the relevant time, age of the prosecutrix was about 14 years. According to the case of prosecution, the present Applicant on false pretext of marriage continuously committed sexual intercourse with the prosecutrix, due to which she got pregnant. It is further alleged that, in her fourth month of pregnancy, the Applicant gave some tablet due to which she got aborted. On the basis of said 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, due to love relationship, prosecutrix herself developed physical relationship with the Applicant. At present, both have performed marriage and they are residing together. Learned counsel further submits that the prosecutrix has 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. Prosecutrix has appeared through Video Conferencing along with her counsel Ravindra Sharma, Advocate from his office. She has duly supported the application preferred by the Applicant. She further admitted the fact that she had performed marriage with the present Applicant and also that she is living with the present Applicant in his house.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, particularly considering the fact that, both prosecutrix and the Applicant has already performed marriage, the fact that they are residing together as husband and wife and also the fact that the prosecutrix is not opposing the bail application preferred by the Applicant, 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.
9. Accordingly, the anticipatory bail application is allowed.
10. 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:-

3.

- 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 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

Saurabh