

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1628 of 2020**

- Raju Kurre S/o Premkumar Kurre Aged About 20 Years R/o - Village Kurda, Police Station And Tahsil Malkharoda, District Janjgir-Champa, (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through - The District Magistrate Janjgir, District Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant	: Shri Ishwar Jaiswal, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/12/2020**

1. The applicant has preferred the 2nd bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 212/2017 (wrongly written as 212/2017 in order dated 30.9.2019) registered at Police Station Malkharoda, District Janjgir-Champa, (C.G.) for offence punishable under Sections 363 & 366 of I.P.C.
2. First bail application of the applicant was earlier dismissed as withdrawn vide order dated 25.2.2020 passed in MCRCA No. 1753/2019.
3. In the present case, age of the prosecutrix at the relevant time was below 18 years. As per the prosecution story, allegedly, in the intervening night of 23 & 24/10/2017, applicant took the prosecutrix with him. Thereafter, father of the prosecutrix lodged a written complaint. On 31.1.2020, prosecutrix was recovered and her statements were recorded under Section 161 of Cr.P.C. Thereafter, police registered the offence under Section 363 and 366 of I.P.C.

4. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further states that there was love relationship between the applicant and the prosecutrix, due to which prosecutrix herself left the house on her own will. He further submits that applicant and prosecutrix both have performed marriage with each other and out of their wedlock, a child is born. Both applicant and prosecutrix are residing with each other. He further submits that prosecutrix is also present before this Court today and she has supported the above mentioned facts. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that both applicant and prosecutrix have performed marriage and they are residing together, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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/her from disclosing such fact to the Court,

- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He 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