

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1580 of 2019**

- Ajmat Pasha, S/o Shri Malang Pasha, aged about 26 years, R/o Hyderabad Colony, Camp – 01, Bhilai, Police Station Chhawani, District Durg (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg (CG)

---- Non-Applicant

For Applicant : Shri Manoj Paranjpe, Advocate.
 For Non-Applicant : Ms. Fouzia Mirza, Additional AG.

Proceeding through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****01/07/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.433/2015, registered at Police Station Chhawani, District Durg for offences punishable under Sections 363, 366 and 506 of the IPC and Section 11 of the POCSO Act.
2. Kamna Chaturvedi, elder sister of the prosecutrix, lodged a complaint against unknown person alleging that her younger sister aged about 17 years, a student of Class-10th, has been abducted by some one. In her statement under Section 164 CrPC recorded on 9.9.2016, the prosecutrix stated that when she had gone to the market for purchasing some household articles, she met the applicant Ajmat, who stated his name to be Raj and he threatened that he would kill her parents. She did not inform about the incident to her parents out of fear. She went to the applicant at

about 6 pm on the same day i.e. 3.12.2015. She was taken on motorcycle to a lonely place where another boy came and all of them went to Durg Station and thereafter to Hyderabad. They stayed at a house for one night and thereafter returned to Durg. The applicant informed the prosecutrix that if the report is withdrawn, nothing would happen. Case diary statement of elder sister of the prosecutrix recorded on 23.5.2017 would state that her younger sister was taken to Hyderabad and she returned immediately and further that the applicant has not sexually assaulted her sister. Case diary does not contain diary statement under Section 161 CrPC of the prosecutrix.

3. Learned State Counsel would oppose the bail application.
4. Considering the material available in the case diary and for the fact that the prosecutrix was neither bodily harmed nor sexually assaulted, as also for the reason that the incident happened on 3.12.2015 i.e. about 5 years back and there is no substantial progress in the investigation, this Court is inclined to extend benefit of anticipatory bail 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 executing 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 not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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.

Sd/-
Judge
 (Prashant Kumar Mishra)