

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1663 of 2019

Ashish Nishad S/o Bhuwanlal Nishad, aged about 18 years, R/o Laxmipara Durga Mandir Ward No. 04, Jamul, P.S. Jamul Tahsil and District Durg, (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police Station- Jamul, District- Durg, (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10.01.2020

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.336/2019 registered at Police Station – Jamul, District – Durg, (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of IPC and Section 6 of POCSO Act, 2012.
3. As per the prosecution story, age of the prosecutrix at the relevant time was about 13 years. Allegedly, on 01.07.2019 co-accused Aman Thakur, who is a juvenile, called the prosecutrix and took her to Dongargarh, (C.G.). They both remained in Dongargarh for

two days where the co-accused Aman committed sexual intercourse with the prosecutrix. Allegation against the present applicant is that he also went alongwith prosecutrix and Aman in his motorcycle to the railway station. On the basis of the above background, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. All the allegations are against co-accused Aman Thakur (juvenile). The only allegation against applicant is that, he dropped the prosecutrix and Aman Thakur in his motorcycle at the railway station. Therefore, it is prayed that applicant may be extended the benefit of anticipatory bail.
5. On the other hand, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Taking into consideration the submissions of both the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a 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 will abide by all the following terms and conditions:

- i. That, the accused/applicant shall make 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**