

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2070 of 2019

1. Bhagbali Patle S/o Toran Patle Aged About 40 Years R/o Village Budhwara, Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh.
2. Progress Kurre S/o Ishwar Kurre Aged About 23 Years R/o Amlidih, Police Station Fasterpur, District Mungeli, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

--- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/03/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 236/2019, registered at Police Station City Kotwali, Distt. Mungeli (C.G.) for the offence punishable under Sections 363, 366 of the IPC and Section 4 & 6 of the POCSO Act.
2. As per prosecution story, father of the prosecutrix lodged a missing report of her daughter alleging there in that on 23.02.2019 at about 7 AM, her daughter aged about 15 years went outside by saying that she is going to her school but did not come back. Thereafter, he searched his daughter in his own level but he failed to find her. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, the prosecutrix was recovered from the possession of co-accused Narendra Patle. Thereafter, statement of the prosecutrix was recorded. On the basis

of her statement, other offence have been added. Allegations against the applicants are that on the date of incident the applicants and co-accused Narendra Patle by enticing the prosecutrix took her in their car. Co-accused Narendra Patle kept the prosecutrix for 10 days with him and during that period he used to commit sexual intercourse with her. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that in this case the main accused is Narendra Patle who has already been granted benefit of regular bail by this Court vide order dated 03.03.2020 passed in MCRC No. 432/2020. The counsel further submits that complainant's party and co-accused Narendra Patle have entered into compromise that when the prosecutrix attain the age of majority, co-accused Narendra Patle will perform marriage with her, only on this ground, the co-accused has granted regular bail by this Court. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the facts that the main accused Narendra Patle has already granted regular bail by this Court and the complainant's party and co-accused Narendra Patle have already settled their matter. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following

terms and conditions:-

- I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge