

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 476 of 2021

- Bhuri Bai Sahu W/o Rajkumar Sahu Aged About 51 Years R/o Gujiyabod, P.S. Hasaud, 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 Ashish Tiwari, G.A.

Objector - ABC in person with Father

Hon'ble Shri Justice Goutam Bhaduri

Order

07/07/2021

Heard.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending her arrest in connection with Crime No. 04/2021 registered at Police Station Hasaud, District Janjgir Champa, C.G. for the offence punishable under Sections 363, 366-A, 376, 368/34 of IPC and Section 6 of Protection of Children from Sexual Offences Act and Section 3 (1-2) & 3 (2) (5) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution case, the son of the applicant enticed away with the minor girl on 29.11.2020 to Village Gujiyabod and subsequent day marriage was performed, thereafter she was kept

at Raipur and she was subjected to sexual intercourse. Subsequently, the applicant along with his mother and others forced the prosecutrix to leave the house on the ground that she belongs to *Satnami* caste therefore offence is committed.

3. Learned counsel for the applicant would submit that the only allegation against the present applicant, who is the mother, is that she was present during the marriage and except that no allegation has been attributed against her, therefore the bar of Section 18 of the SC/ST (Prevention of Atrocities) Act would not be applicable, therefore, she may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that the bar of Section 18 of SC/ST (Prevention of Atrocities) Act would be applicable and read out the statement under Section 164 of the Cr. P.C.
5. The prosecutrix and father of the prosecutrix are also present before the Court and they object to the bail and would submit that after marriage the victim was deserted for the reason that she belongs to *Satnami* caste wherein the mother was also involved.
6. Considering the submission made by the parties and the objection of the prosecutrix and considering the statement under section 164 of Cr.P.C., I am not inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge