

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 680 of 2021

Vicky Das @ Khageshwar S/o Gopal Das, Aged About 23 Years, R/o-
Purani Basti Kharsiya, District -Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, P.S -Kharsiya,
District -Raigarh, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Amit Sharma, Advocate with Shri Krishna Tandon, Advocate.
For Respondent/State	:	Mr. Vaibhav Singh, PL.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

07/07/2021

1. This is an application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.199/2021 registered at Police Station - -Kharsiya, District -Raigarh, Chhattisgarh, for commission of offence punishable under Section 376 of the Indian Penal Code & Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief, is that the present applicant on the pretext of marrying the victim/prosecutrix has committed sexual intercourse with her in between 01.12.2020 to 30.01.2021. Complaint was lodged before the concerned police station under the signature of victim on 18.03.2021, based upon which aforementioned crime was registered against the present applicant.
3. Learned counsel for the applicant submits that absolutely false and baseless allegation of making physical relationship with prosecutrix has been levelled against the applicant, there was only talking terms between the applicant and victim, hence, he may be extended benefit under

Section 438 of Cr.P.C.

4. On the other hand, learned State Counsel opposes the application and submits that as per written complaint lodged under the signature of victim there is specific allegation levelled against the present applicant that on the pretext of marriage, he has established physical relation with her. During the course of investigation, the Police has seized Class 8th Mark-sheet of victim wherein date of birth has been shown as 04.08.2004, as on the alleged date of incident, victim was minor offence under the POCSO Act is also registered. As per written complaint and statement recorded under Section 164 of Cr.PC, the allegation levelled against the applicant are serious in nature, hence, he is not entitled for grant of anticipatory bail
5. The victim, present in person through Video Conferencing from DLS Raigarh, she submits that she has not written any complaint, under the pressure of her family members she had signed the paper, she was not aware as to what is written therein. She submits that she is not having any relation with the applicant and no such incident was taken place between them.
6. I have heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations levelled against the applicant and the submission made by the victim before this Court through Video Conferencing, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his

furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge

Jamal/-