

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 947 of 2021**

- Maniram Jangade S/o Dayaram Jangade, aged about 31 years
R/o Pikaripali, P.S. Sarsiva, Distt. Balodabazar, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO police station Kosir, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Manoj Kumar Jaiswal, Advocate.
For Non-applicant- State	: Mr. Shrikant Kaushik, P.L.
For complainant	: Mr. Suresh Verma, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****06/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 10/2020 registered at Police Station Kosir, District- Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
2. As per the case of prosecution, written report was lodged by father of prosecutrix on 13.01.2020 stating that his daughter was missing. Report was lodged against unknown person. Based on written report, FIR was registered on 16.01.2020 against unknown person. Prosecutrix returned to her parental house on 14.07.2021 along with new born baby girl. She was produced before the police and thereafter applicant has been named in the crime.
3. Mr. Manoj Kumar Jaiswal, learned counsel for the applicant would submit that prosecutrix and the applicant have got married in

accordance with social rituals on 26.06.2020 and since then they have resided together as husband & wife. From their wedlock they are blessed with girl child on 23.04.2021. Prosecutrix wants to live with applicant as his wife.

4. On the other hand, Mr. Shrikant Kaushik, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that as per documents available on record date of birth of prosecutrix is 5.11.2005, as such, prosecutrix was below 16 years of age and looking to the allegation, applicant is not entitled for benefit under Section 438 of CrPC.
5. Mr. Suresh Verma, learned counsel along with prosecutrix, her baby girl child, her father and mother are present before this Court. He submits that the parties present before this Court submit that they are having no objection in granting bail to applicant.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration, the nature of allegations, the fact that prosecutrix stated that she married with applicant in accordance with social custom and applicant and prosecutrix blessed with baby girl child; the submissions made by learned counsel for the parties as well as statement of prosecutrix and her father, without commenting anything on merits of the case, I am inclined to allow the bail application.
8. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (10/2020), he shall be released on anticipatory bail by the Officer arresting him on his executing 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. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigation 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

Pawan