

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCa No. 1721 of 2020

1. Shivam S/o Lekhram Aged About 21 Years R/o Village Chichgohna, Thana Marwahi, District Gourela-Pendra-Marwahi Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Staion Marwahi, District Gourela-Pendra-Marwahi Chhattisgarh

---- Respondent

For Applicant	Ms Shital Soni & Ms Vijyita Sahu, Advocates
---------------	--

For Respondent /State	Mr. Anmol Sharma, Panel Lawyer
-----------------------	--------------------------------

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board25/02/2021

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.131/2017, registered at Police Station Marwahi, District Gourela-Pendra-Marwahi (CG), for the offence punishable under Sections 363, 366, 376, 34 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
2. Main accused Premchand Maco initially abducted the prosecutrix; took her to a nearby forest; and committed sexual

intercourse. Thereafter, the applicant accompanied the main accused when he and the prosecutrix boarded the train. From this stage onwards the applicant did not accompany the main accused. The prosecutrix and the main accused went to Salem (Tamilnadu) and to other places where the main accused committed forcible sexual intercourse.

3. Learned counsel for the State, *per contra*, would oppose the bail application.
4. Albeit the present applicant was absconding when the trial against Premchand Maco was conducted, but the fact remains that Premchand has already been acquitted by judgment dated 22-11-2018 rendered by the Special Additional Sessions Judge, Penderaroad, in Spl. ST No.11/2018.
5. Considering the nature of allegations against the present applicant and for the fact that he has not committed sexual intercourse with the prosecutrix, this Court is inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - he shall make himself available for interrogation by a police officer as and when required;
 - he 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 from disclosing such facts to the Court or to any police officer.

- he shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri