

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1429 of 2021

Vikas Peter S/o Chinappa Peter, Aged About 26 Years, R/o Village Adarsh Nagar, Police Station- Basna, Tehsil- Basna, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Basna, District- Mahasamund, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Kishore Narayan, Advocate.
For State	:	Mr. BL Sahu, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

07/12/2021

1. Heard.
2. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.435/2020 registered at Police Station -Basna, District- Mahasamund, (CG), for the offence punishable under Sections 363, 366, 376(2)(n) of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
3. Case of prosecution is that mother of prosecutrix lodged report in concerned Police Station mentioning therein that applicant abducted her minor girl, committed forceful sexual intercourse with her against her will. Based on report, aforementioned crime is registered against applicant.
4. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Statement of prosecutrix was recorded under Section 164 of Cr.P.C before Court of Jurisdictional Magistrate wherein she stated that due to some dispute between her and her mother, she left her house and went to Delhi where she resided till August, 2020. Thereafter, she returned back to Raipur on 07.09.2020 and started working in a shop. She met with applicant at Raipur and performed

marriage on 12.09.21, since then she is residing with her in-laws. He also submits that father of prosecutrix died due to motor-accidental injuries in the year 2019 and later on mother of prosecutrix re-married with some other person. Applicant has not committed any offence as alleged against him, hence, he may be enlarged on anticipatory bail.

5. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that serious allegation has been levelled in FIR against applicant of abduction of prosecutrix and also committing forceful sexual intercourse with her when she was minor. Hence, he is not entitled for grant of anticipatory bail. Upon asking to learned State Counsel with regard to statement of prosecutrix if any, he read over contents of statement of prosecutrix recorded under Section 164 of Cr.P.C and submits that in her statement prosecutrix has not levelled any allegation of abduction or making physical relationship with her when she was minor.
6. Prosecutrix is present in person before this Court, she submits that she is not having any objection in granting bail to applicant.
7. Heard learned counsel for the parties.
8. Considering entire facts and circumstances of the case, nature of allegation, contents of statement of prosecutrix recorded under Section 164 of Cr.P.C, submission of prosecutrix made before this Court, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to applicant.
9. Accordingly, anticipatory bail application is allowed and it is directed that in event of arrest of applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in 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 following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-