
(2014) 09 CHH CK 0022
In the Chhattisgarh High Court
Case No : M. Cr. C. (A) No. 614 of 2014

Keju Ram Dahariya

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 19-09-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 34, 363, 366, 376

Citation : (2015) 1 CGLJ 142

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Janak Ram Verma, Advocates for the Appellant; Aditya Sharma, P.L, Advocates for the Respondent

Judgement

P. Sam Koshy, J.—By way of the present application u/s. 438 of Cr.P.C. the applicant has sought for grant of anticipatory bail apprehending his arrest in connection with Crime No. 70/2014 registered at P.S. Kharora, District Raipur for the offence punishable under Sections 376, 363 and 366/34 of IPC. As per the prosecution allegation against the present applicant is that he is said to have kept the main accused Satwan and the prosecutrix in his house and also asked the prosecutrix to sleep with the main accused Satwan. It is further alleged that next day, the applicant took the main accused along with the prosecutrix to the house of the aunt of the co-accused where also the applicant is alleged to have asked the prosecutrix to sleep with the main accused Satwan.

2. Counsel for the applicant submits that it is a case where except for providing shelter to co-accused Satwan and the prosecutrix, there is no allegation against the applicant of abduction or for the offence u/s. 376 of IPC and therefore the applicant may be granted the advantage of anticipatory bail.

3. However, State counsel opposes the bail application on the ground that it is a case where the applicant has also some role in the said offence and it is the present applicant who is alleged to have forced the prosecutrix to sleep with the

main accused Satwan.

4. Taking into consideration the total facts and circumstances of the case, particularly the fact that the prosecutrix is a young grown up girl of more than 16 years of age and that there is no allegation against the applicant except for asking the prosecutrix to sleep with the co-accused which perhaps she conceded to without protest and also keeping in view the fact that the prosecutrix had been staying with the co-accused for a period of six days without much objection, this Court is of the opinion that it is a fit case where the present applicant can be given the advantage of being released on anticipatory bail. In the result, the application u/s. 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail 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 officer arresting him.