

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 717 of 2015

Prashant Verma S/o Late Ramakant Verma Aged About 28 years R/o Ward No. 3,
Bairagi Para, Tah. Chhuikhadan, Civil And Rev. Distt. Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Office, Police Station Khairagarh,
District Rajnandgaon Chhattisgarh.

---- Respondent

Shri C.K.Kesharwani, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

14/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.241/15 registered at police station - Khairagarh, Distt. - Rajnandgaon, Chhattisgarh for alleged commission of offence under Section 376, 506 of IPC and 3 (1) (xii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short).

2. Case of the prosecution is that the applicant developed relations with the prosecutrix in January, 2012 and thereafter, sexually exploited till March, 2015 giving false pretext of marriage. It is further alleged that due to threat given by the applicant and that she might loose her reputation in the society, report was not lodged for all these years.

3. Learned counsel for the applicant submits that the prosecutrix, on her own showing she was a major lady aged 23 years in January, 2012 and 26 years at the time when the report has been lodged. He submits that even according to the prosecutrix, she and the applicant were having relations and no report was lodged by the prosecutrix for more than three years. Therefore, present is a case of false implication. He also submits that it is not a case where the prosecutrix was working under the applicant so as to say that the applicant was in a position to dominate her will. Thus, no case of commission of offence under the Act of 1989 is made out.

4. On the other hand, learned State counsel opposes the bail application and submits that the prosecutrix has clearly stated that on false pretext of marriage, the applicant continued to sexually exploit the prosecutrix since January, 2012 upto March 2015. He submits that offence under Section 3 (1) (xii) has also been registered against the applicant and there is a bar under the Act to grant anticipatory bail.

5. Even according to the contents of the FIR, in January, 2012, the prosecutrix was approximately 23 years of age. If the statement of the prosecutrix is taken as it is, it shows that she and the applicant were having physical relations but the allegation is that the applicant committed sexual intercourse on the false assurance of marriage. There is nothing in the complaint to show that the applicant was exercising influence because of his position.

6. Considering the aforesaid circumstances that the report has been lodged after three years of long standing relationship between the applicant and the prosecutrix, the prosecutrix is a major and that prime facie a case under Section 3 (1) (xii) of the Act of 1989 does not appear to have been made out and in view of the orders passed by this Court in **Satyaprakash Vs. State of C.G., 2004 (1) C.G.L.J. 162 & Abdul Abbas Vs. State of C.G., 2005 (2) C.G.L.J. 235**, bar under Section 18 of the Act of 1989 would not come in the way so as to deny anticipatory bail to the applicants, the application is allowed.

7. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge

