

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 145 of 2016

Dharnidhar Supkar S/o Shri Rantidev Supkar Aged About 24 Years
Caste - Bramhan, Occupation - Private Service, R/o Village -
Madhubanpara, Police Station - City Kotwali Raigarh, Tahsil & District
Raigarh Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through : The Officer In Charge Of Police
Station - Chakradhar Nagar Raigarh, District - Raigarh Chhattisgarh

---- Respondent

For applicant – Shri Roop Nayak, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 299/2015 registered at Police Station Chakradhar Nagar Raigarh, District Raigarh (C.G.) for offence punishable under Section 376, 506-B of Indian Penal Code.
2. As per the prosecution case applicant on the pretext of marriage and thereafter under the threat committed forceful sexual intercourse with the victim prosecutrix from January 2014 to March 2015 and it is further stated that when prosecutrix stated that she will disclose the fact, life threat was given to her and the report was made after the applicant performed marriage with other girl.
3. Learned counsel for the applicant submits that prosecutrix and the applicant both are student of the same college and she was consenting party and after threat was extended, it should have been reported but nothing has been made like the nature and therefore the applicant has been falsely implicated in this case, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. Considering the level of allegation it is stated that applicant committed rape from January 2014 to March 2015 and on the threat rape was committed. Considering the level of allegation and the fact that applicant and the prosecutrix both were major and studying together, without any observation on merits, taking into background of the case and nature of the offence, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

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

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

