

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 132 of 2016

- Senjeet Netam S/o Revaram Netam Aged About 26 Years
R/o Village - Soram, Block - Patan, P.S. Utai, Tehsil &
District - Durg Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through P.S. Utai, District - Durg -
Chhattisgarh --- **Respondent**

For the applicant : Mr. P.R. Patankar, Advocate.
For the Respondent : Mr Sumeet Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2016

1. Apprehending arrest in connection with Crime No. 421 of 2015 registered at Police Station Utai, Distt. Durg (C.G) for the offences punishable under section 376 & 506 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant on the pretext of marriage committed sexual intercourse with the prosecutrix and subsequently refused to marry.
3. Learned counsel for the applicant submits that the prosecutrix was a major lady aged about 25 years and it is contended that as per the prosecutrix, she was subjected to sexual intercourse from 2011 onwards and she was extended threat, but the report has been filed after a long gap i.e., 20.12.2015. It is stated that the applicant and prosecutrix both were preparing together for passing C.G.P.S.C. Examination and the applicant has been falsely implicated after he passed out the P.S.C.

Examination.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix and the report.

It appears that though the the prosecutrix was continuously subjected to sexual intercourse from 2011 onwards on the pretext of marriage and she was also extended threats not to disclose the matter to others but the report was filed on 20.12.2015.

6. Considering the totality of the facts and circumstances of the case and the nature of allegations against the applicant as also looking to the facts that the prosecutrix is a major lady, aged about 25 years and the delay in delay in filing the FIR from the year 2011, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.

7. Accordingly, the 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 surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao