

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 221 of 2016

1. Dr. Suraj Singh Rathore, S/o. Mr. Hetram Rathore, aged about 27 years, R/o. DNK Colony, H. No. F-1, Kondagaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station Kondagaon, District-Kondagaon (C.G.)

---- Respondent

For Applicant : Mr. Raza Ali, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.38/2016 registered at Police Station- Kondagaon, District – Kondagaon (C.G.), for offence punishable under Section 376, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the prosecutrix has lodged a report on 10.02.2016 alleging that the applicant on the pretext of marriage has committed sexual intercourse. As per the report, the prosecutrix had earlier married, wherein divorce was affected. Subsequently, she was living alongwith her children and came in contact with the applicant and thereafter the offence is committed.
3. Learned counsel for the applicant would submit that in the earlier occasion too such type of report was lodged on 26.11.2015, which was withdrawn by the prosecutrix and subsequently again this FIR is made. The counsel relied on the document filed as Annexure A/3, which is the earlier report and would submit that the applicant has been falsely implicated. He would further submit that the

prosecutrix is 15 years older than the applicant and the false report has been lodged. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the State counsel opposes the bail application.
5. Perused the statement of the prosecutrix and the report, wherein, she has stated that she was a divorcee was living alongwith the children and came in contact with the applicant, who is a student prosecuting study at medical college, thereafter, she was subjected to sexual exploitation on the pretext of marriage and when it was disclosed that the applicant is going to marry with one another girl Kalpana, this report is made. Considering the earlier report, which has obtained under RTI, filed in this case, taking into such allegation and the nature, the complainant was divorcee lady had all the conscious of such relation, without any observation on merit, this Court is inclined to extend the 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 executing a personal bond in sum of Rs.25,000/- with one 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) that 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