

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 213 of 2016**

Amit Singh S/o Man Singh Aged About 35 Years Occupation :
Business, R/o Sector - 6, Police Line PWD 49, Bhilai - Durg, District
Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Through : Station
House Officer, Police Station : Dadhi, District : Bemetara Chhattisgarh

---- Respondent

For applicant – Shri Y.C. Sharma, Advocate.
For Respondent/State –Shri Anant Bajpai, PL.
For complainant – Shri Sandeep Dubey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****17/03/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.148/2015 registered at Police Station Dadhi, District Bemetara (C.G.) for offence punishable under 376 of Indian Penal Code.
2. As per the prosecution case a report was made by the prosecutrix on 9/12/2015 that the applicant on the pretext of marriage has committed sexual intercourse with the prosecutrix for last 2 years. However, after developing physical relation he refused to perform marriage. Consequently, report was made.
3. Learned counsel for the applicant submits that the applicant and the prosecutrix they have married each other in temple according to hindu rituals and there has been some misunderstanding between them and as such report was made. He further submits that presently they have settled the issue, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of bail. However, Shri Sandeep Dubey, learned counsel for the complainant/prosecutrix has

stated that both the applicant and the prosecutrix have amicably settled the dispute and are husband and wife and submits that he has no objection for grant of bail to the applicant.

5. Taking into submission made and the document and after perusal of the statement of the prosecutrix under Section 164 of Cr.P.C. as also no objection certificate to the bail which is supported by affidavit, also considering the facts and submission made by learned counsel for the applicant that applicant has married with the prosecutrix according to hindu rituals, 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 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

