

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 449 of 2016

Sanjay Prajapati S/o Samsai Prajapati Aged About 18 Years R/o
Village Jhingo; Police Station Rajpur; District Surguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Rajpur; Rev. District
Balrampur-Ramanujganj; Civil District Surguja Chhattisgarh.

---- Respondent

For applicant – Shri S.D. Singh, Advocate.
For Respondent/State –Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 19/2016 registered at Police Station Rajpur, Revenue District-Balrampur-Ramanujganj, Civil District Surguja (C.G.) for offence punishable under Section 376 (2 $\bar{\sigma}$) of IPC and 05 (wrongly written as 05 $\bar{\sigma}$) and 06 of POCSO Act.
2. As per the prosecution case a report was made by the prosecutrix on 30/01/2016 that the applicant on the pretext of marriage took the prosecutrix to the forest two years back and thereafter committed sexual intercourse and thereafter the said sexual intercourse continued. Subsequently, when the prosecutrix asked the applicant to perform marriage, it was refused. Therefore, report was made.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case since family members of the prosecutrix wanted to get marry the girl with the applicant which was refused by the family members of the applicant, when things got aggravated a written

report was made to the Superintendent of Police on 11/12/2015 that the applicant is being pressurized to perform marriage and complained that threat were given to inculcate the applicant in the false case. Thereafter, the report has been made. It is therefore prayed that the applicant may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and the statement wherein it is stated by the prosecutrix that on the pretext of marriage for last two years the applicant was committing sexual intercourse and that continued for long. Considering the statement as it is alleged that the applicant was committing sexual intercourse for last two years on the pretext of marriage and taking into time lapsed in between the incident and the report, without any observation on merits, 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