

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 687 of 2016

1. Ashish Thakur, S/o. Shri Jitendra Singh Thakur, aged about 28 years, R/o. Village – Bhaisa, Thana – Bemetara, District – Bemetara (C.G.), Presently R/o. Near Danganiya Market, Thana-D.D. Nagar, Raipur, Tehsil and District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through Station House Officer, Thana – D.D. Nagar, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Surendra Dewangan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/08/2016

1. Apprehending arrest in connection with Crime No.120/2016 registered at Police Station- D.D. Nagar, District – Raipur for offence punishable under Section 376, 506 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 23.05.2016 a report was lodged by the prosecutrix against the applicant, alleging that the applicant on the pretext of marriage from last one and half years committed sexual intercourse with the prosecutrix. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the prosecutrix and the applicant were in love relation and she was a consenting party to

the entire acts, therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C.. Perusal of the documents, it appears that the prosecutrix is a major lady. Taking into the statement recorded under Section 161 and 164 of Cr.P.C., this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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