

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A). No. 4 of 2016**

1. Dilip Nayak, S/o. Hetram, aged about 22 years, R/o. Ichchhapur, Police Station – Saraipali, Tahsil – Saraipali, Revenue and Civil District – Mahasamund (C.G.)

**----Applicant**

**Versus**

1. State of Chhattisgarh, Through : Police Station - Saraipali, District – Mahasamund (C.G.)

**---- Respondent**

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For Applicant : Mr. P. K. Patel, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**08/02/2016**

1. Apprehending arrest in connection with Crime No.495/2015 registered at Police Station- Saraipali, District – Mahasamund (C.G.), for offence punishable under Section 376, 312 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made that the prosecutrix, who is the married lady got separated from her husband having child also and came in contact with the applicant and the applicant on the pretext of marriage performed sexual intercourse and when she became pregnant, she was forcefully aborted.
3. Learned counsel for the applicant would submit that the applicant and the prosecutrix were in love relation and the applicant has performed marriage with the prosecutrix. He relied on the marriage certificate, of Arya Samaj, Annexure A/2. The counsel therefore, prays that applicant may be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Perused the case diary and the statement of the prosecutrix under Section 164 of Cr.P.C., wherein she has stated that she has performed marriage with the applicant and staying with the applicant and thereafter, with her consent, sexual intercourse was committed. Taking into such statement recorded under Section 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.
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