

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 8 of 2016

Amit Kumar S/o Ganga Prasad Aged About 28 Years Occupation -
Private Service R/o Jarahi Colony B/84 Bhatgaw S E C L Aria P. S.
& Tah. Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P. S. - Kotwali Korba District -
Korba Chhattisgarh

---- Respondent

For applicant – Shri Vineet Kumar Pandey, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 505/2015 registered at Police Station Kotwali Korba District Korba (C.G.) for offence punishable under Section 376 of IPC.
2. As per the prosecution case a report was made by the prosecutrix that applicant who is brother-in-law of the prosecutrix stayed in their house for a day and in the intervening night of 12-13/09/2015 while prosecutrix went to take water in the night, applicant caught hold of her and thereafter committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case and as time of rape has been stated at that time few inmates were in the house and since prosecutrix want to marry with this applicant, therefore applicant has been pressurized. Therefore, the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the statement of the prosecutrix under Sections 161 and 164 of Cr.P.C. Taking into such statement, the way the offence has been alleged to have been committed, 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