

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 178 of 2016

1. Bablu Mishra, S/o. Pramod Mishra, aged about 32 years, R/o. Ward No.49, Maharaja Chowk, Borsi Road, Thana Pulgaon, Durg, Tahsil and District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – City Kotwali, Durg, District- Durg (C.G.)

---- Respondent

For Applicant	: Mr. Anumeh Shrivastava, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.106/2016 registered at Police Station- City Kotwali, District – Durg (C.G.), for offence punishable under Section 376 R/w. Section 506B of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by the prosecutrix that the prosecutrix met with the applicant in marriage and on the pretext of marriage, the applicant has committed sexual intercourse. Subsequently, he refused to marry with the prosecutrix. Therefore, the report is made.
3. Learned counsel for the applicant would submit that the prosecutrix is married lady and she was a consenting party and she of her own had relation with the applicant and subsequently, the report is made, since the prosecutrix wanted to marry the applicant. The counsel further submit that the prosecutrix has given affidavit in

support of the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. The affidavit in this case has been enclosed that of the prosecutrix, wherein she has stated that since the prosecutrix is also married and was not divorced as such could not perform the marriage with the applicant and the compromise has been affected and she has no grievance if the applicant is released on bail.
5. The State counsel was directed to verify and the State on verification has come with the facts that the prosecutrix has compromised the issue and has given statement to take back the report.
6. Taking in to such affidavit, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
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