

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 357 of 2016

Santram S/o Gauraha Aged About 32 Years Caste Satnami, R/o Sakreli (Ba), Police Station Baradwar, Tahsil Sakti, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Janjgir, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicant – Shri Deepak Kumar Singh, Advocate.
For Respondent/State –Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 60/2016 registered at Police Station Sakti, Civil & Revenue District Janjgir Champa (C.G.) for offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution case a report was made by the prosecutrix that from the year 2012 to 2016 the applicant on the pretext of marriage has committed sexual intercourse with the prosecutrix and eventually not performed the marriage.
3. Learned counsel for the applicant submits that applicant has been falsely implicated, prosecutrix was a lady of 35 years and she of her own consent was in relation with the applicant and no offence has been committed by the applicant.
4. Learned State counsel opposes the prayer for grant of bail.
5. I have perused the statement of the prosecutrix wherein it is stated that from 2012 the applicant was in physical relation with the prosecutrix

and they went to different places even went to Punjab and other places. Considering such statement without any observation on the merit, 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