

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 474 of 2016

1. Rajendra Chowhan, S/o. Late Kishan Singh Chowhan, aged 30 years, R/o. Village-Sakara, District- Mahasamund, Permanent resident of Pt. Ravishankar Shukla Nagar, Ishwari Charan Ward, Amanaka, Raipur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Ankur Agrawal, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/06/2016

1. Apprehending arrest in connection with Crime No.84/2016 registered at Police Station- City Kotwali, Raipur, District – Raipur (C.G.), for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant in the year 2009 when the prosecutrix one day visited the house of the applicant on the pretext of marriage committed forcefully rape and the report was ultimately made on 18.03.2016 when the applicant refused to marry with the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He further submits that initially the applicant and the prosecutrix were in relation, however, when the applicant came to know that the prosecutrix had earlier eloped with some one he had abandoned the relation. Subsequently when the applicant was getting married with some

one else, false report has been made. He further submits that the applicant is a Constable at Mahasamund and it is not possible for him to continue the course of crime as has been alleged as the girl was at some other place, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the case diary and the statement of prosecutrix. Prosecutrix in her statement has stated that she was subjected to forceful intercourse on the pretext of marriage in the year 2009 and a report has been made on 18.04.2016. Taking into the fact and the delay caused of about 7 years in lodging the report and considering the background of the case, this Court is inclined to extend the 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 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