

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 598 of 2016**

- Lokesh Rajware S/o Shri Muneshwar Rajware Aged About 26 Years Caste Rajware, Occupation Government Servant, R/o Village Mendrakala, Tehsil Ambikapur, District Surguja, Chhattisgarh. --- **Petitioner**

**Versus**

- State of Chhattisgarh through District Magistrate, Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.-**Respondent**

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| For the applicant  | : Mr. Sunil Otwani, Advocate      |
| For the Respondent | : Mr. Arvind Shukla, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**03.08.2016**

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 268 of 2016 registered by Police Outpost Manipur, P.S. Ambikapur District Surguja (C.G) for the offence punishable u/s 376(2)(n) of IPC.
2. As per the prosecution case, on 25.04.2016 a report was made by victim to the District Magistrate on the basis of which the FIR was registered alleging that the applicant on the pretext of marriage has sexually exploited the girl thereby the offence is committed.
3. Learned counsel for the applicant would submit that the report dated 25.04.2016 would show that the victim was earlier married in the month of May 2015 with another person namely Praman Rajwade whereas the applicant thereafter went to the in-laws place i.e., parents of the victim and asked the victim to take her away whereby her married life was completely disturbed. Subsequently the assurance

of marriage was given and on 17<sup>th</sup> December, 2015 the marriage was performed and thereafter, physical relations were established. It is further submitted that the said report would show that no offence has been committed as the victim herself was a married lady. Learned counsel further submits that presently an application was filed by the victim that she is not opposing the bail as it has been settled in between the parties that the applicant would perform marriage with the victim after legal divorce of earlier marriage is obtained, therefore, in the facts and circumstances of the case, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the report made by the victim which shows that the victim has made statements u/ss 161 & 164 Cr.P.C., wherein she has stated that she and the applicant had performed marriage at a temple.
6. Taking into consideration submissions made by counsel for the applicant and the statements of the victim and considering the totality of facts and circumstances of the case, I am inclined to allow this bail application.
7. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

(i) that he shall make himself available for interrogation before the investigating officer as and when required;

(ii) that he 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 any police officer;

(iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI**  
**JUDGE**