

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 632 of 2016

1. Manoj Prasad, age 41 years, S/o. Shri Videshi Prasad, By Profession- Technician at B.S.P., R/o. Q.N. 25-C, Street No.06 Vibhag-02, Bhilai, Durg, P.S. Bhilai Nagar, Tahsil and Civil District- and District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Bhilai Nagar, Revenue District & District – Durg (C.G.)

---- Respondent

For Applicant : Mr. J.A. Lohani, Advocate

For Respondent/State : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

1. Apprehending arrest in connection with Crime No.342/2016 registered at Police Station- Bhilai Nagar, District – Durg (C.G.), for offence punishable under Section 376, 493, 506 (B) of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix on 24.05.2016 that the applicant, who was her coach in the boxing had developed relation thereafter physical relation was also made from the year 2008. Subsequently when she became pregnant, she was aborted. In the meanwhile, the prosecutrix came in contact with other person and married him and even thereafter, when she came back, the applicant wanted to develop with her old relation and on 12.05.2016 again forceful rape was committed. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. It is submitted that initially

though love relation was existed in between the parties and the incident occurred because of the fact that the applicant has given an amount of Rs.50,000/- to the prosecutrix by cheque on 10.05.2016, which was encashed on 16.05.2016 and when the amount was not returned, he was pressurized to make the payment, therefore, the false report has been made. Therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the statement of the prosecutrix, which shows that prosecutrix was initially in relation with the applicant, thereafter, she performed marriage with another person, thereafter again she was subjected to forceful relation. Taking into such statements recorded under Section 161 and 164 of Cr.P.C., this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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