

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 636 of 2016**

Madhukar Lal S/o Chandra Lal, Aged About 27 Years, R/o Near
Aadiwashi Girls Hostel, Rest House Colony, Sakti, Police Station &
Tahsil Sakti, Revenue & Civil District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Tarbahar, District
Bilaspur, Chhattisgarh.

---- Respondent

For applicant –Shri P.K. Patel, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****4/08/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 152/2015 registered at Police Station Tarbahar, District Bilaspur (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 in the year 2009 she came in contact with the applicant, thereafter they developed love relation. Subsequently, on the basis of Bible the applicant stated to have performed marriage and prosecutrix started living with the applicant and they resided together from 2010 to 2013. In the meanwhile, she became pregnant but she was aborted. However, regular marriage in the social circle was not performed. Subsequently, applicant performed engagement with one another girl, thereafter prosecutrix has lodged report.
3. Learned counsel for the applicant on instruction submits that applicant has performed marriage with the prosecutrix and he has not deceived her and they were living together and applicant is not performing any other marriage, therefore due to misunderstanding report has been made. Therefore, he submits that applicant may be granted benefit of anticipatory

bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix as also considering the submission made by learned counsel for the applicant wherein it is stated that applicant has already performed marriage with the prosecutrix, 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

