

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 644 of 2016

- Akhilesh Singh Baghel S/o Late Chandrabhan Singh
Baghel Aged About 44 Years R/o Ward No. 8, Amaguda,
Lalbag, Jagdalpur, District - Bastar Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh through the Station House Officer,
Police Station Kotwali, Jagdalpur, District Bastar
Chhattisgarh. ---
Respondent

For the applicant	:	Mr. H. S. Patel, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. Apprehending arrest in connection with Crime No. 183/2016 registered at Police Station Kotwali, Jagdalpur, Distt. Bastar (C.G) for the offences punishable under section 376(b), 456, 327 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by the prosecutrix who is stated to be the wife of applicant that she was married to applicant in the year 23.08.1997 and out of wedlock two children were born. It is alleged that some dispute took place on 06.05.2016 as the applicant after consuming the liquor, asked the complainant to leave the house and assaulted her for which a counseling took place. Thereafter she was living separately. It is alleged that on 01.06.2016 while the complainant was in her house and the boundary gate

was locked at that time at 10.15 p.m, the applicant came shouted and forcibly entered into the house and committed forcible sexual intercourse for which a report was lodged.

3. Learned counsel for the applicant submits that the applicant and complainant were husband and wife and their marriage was performed long back in the year 1997 and since the complainant wife changed her religion and the applicant never wanted to change his religion some marital dispute took place between the husband and wife. He further submits that the applicant has been falsely implicated in this case, therefore, he may be enlarged on bail..
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary as also the statements of prosecutrix recorded u/s 161 & 164 Cr.P.C. Taking into such statements of the prosecutrix, without any further observation on merits of the case, I am inclined to admit the applicant to anticipatory bail.
6. 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

Rao