

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 743 of 2016**

- Kamlesh Bar S/O Shri Parimal Bar Aged About 26 Years Occupation Student, R/O Village Aragahi (Jamwantpur), P.S. Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****11-8-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 86 of 2016 registered at Police Station Gandhinagar (CG) for offence punishable under Section 376 of the IPC.
2. As per case of the prosecution, a report was made by prosecutrix that the applicant and prosecutrix were in love relation from the year 2015 and physical relation also developed. The applicant on the pretext of marriage committed sexual intercourse with her. Subsequently parents of the prosecutrix married the prosecutrix with one Sanju Yadav and after marriage the applicant again contacted and asked the prosecutrix to join his company and on different dates the applicant continued physical relation with prosecutrix and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the statement of the prosecutrix shows that she is a major woman and

according to her statement, even her marriage she wanted to marry the applicant and since the applicant refused to marry her, false report has been made against the applicant and the way in which offence is committed amounts to consent, therefore, the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix which would show that the marriage of the prosecutrix was solemnized with one Sanjy Yadav and thereafter she came into contact with the present applicant.
7. Considering the facts and circumstances of the case, nature of allegations leveled against against the applicant and further considering the statement of the prosecutrix, I am inclined to extend benefit of anticipatory bail to the applicant.
8. 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 his executing a personal bond in the 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

Raju