

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 797 of 2016

- Kundan Sahu S/o Shri T.R. Sahu Aged About 29 Years R/o Near P.S. City, Changorabhata, Ring Road No. 1, Police Station Deen Dayal Upadhyay Nagar, District Raipur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Deen Dayal Upadhyay Nagar, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Paranjpe, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.08.2016

1. Apprehending arrest in connection with Crime No.166 of 2016 registered at Police Station Deen Dayal Upadhyay Nagar, Distt Raipur Chhattisgarh (C.G) for the offences punishable under sections 376 & 506 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 report was made by the prosecutrix on 12.07.2016 that the applicant between the period from October, 2014 to January, 2016 has committed forcible sexual intercourse with the prosecutrix whereby she became pregnant and thereafter when the applicant was asked to marry, he refused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the prosecutrix was aged about 29 years and she had demanded money

which was paid by the applicant and initially, a report was made to "Sakhi" Center where completely a different story was projected which would show that false allegations have been made against the applicant and no report was made between 2014 and 2016, therefore, under the facts and circumstances of this case, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the document filed by the applicant i.e., a report made to Sakhi Center as also the statement of prosecutrix wherein she has stated that she was subjected to forcible sexual intercourse from 2014 to 2016.
6. Taking into report of prosecutrix which was made in the year 2016, I am inclined to allow the 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

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