

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 561 of 2016

1. Rajesh Kumar Mehra, S/o. Suresh Kumar Mehra, aged about 27 years, R/o. Village-Tailipali, Police Station Kartala, Tahsil and District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, P.S. - Kartala, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. R.S. Baghel, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/09/2016

1. Apprehending arrest in connection with Crime No.35/2016 registered at Police Station- Kartala, District – Korba (C.G.), for offence punishable under Section 376, 456 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. The case of the prosecution, in brief is that on 16.04.2016 when the prosecutrix was alone in her house at that time, the applicant came there and thereafter committed forceful rape with the prosecutrix and the same was reported to the police. 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 further submitted that the applicant and the prosecutrix were in love relation and they

have performed marriage and therefore, no allegation can be attributed against the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. The State counsel was directed to verify the fact as to whether the applicant and the prosecutrix have performed marriage. The State counsel on verification submitted that the applicant and the prosecutrix have performed marriage at Arya Samaj on 12.08.2016.
5. Considering such submission made and further taking into the facts and circumstances of the case and the statement of Samrat Mehara, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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 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