# HIGH COURT OF CHHATTISGARH, BILASPUR

## MCRCA No. 779 of 2016

- Dharam Singh Manjhi S/o Ravi Manjhi Aged About 27 Years R/o Manjhi Padar Dantewada, Police Station Dantewada, Tahsil & District Dantewada, Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Dantewada, District Dantewada, Chhattisgarh.

--- Respondent

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For the applicant : Mr. Amarnath Pandey Advocate.
For the Respondent : Mr. Lav Sharma, Panel Lawyer.

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Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.09.2016

1. Apprehending arrest in connection with Crime No.0/2016 registered at Police Station Dantewada, Distt. Dantewada (C.G) for the offences punishable under sections 376 & 493 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 report was made by the prosecutrix that for the last 8 years, the applicant on the pretext of marriage has committed sexual intercourse with the victim and always avoided marriage on the ground that he would marry her when he will get job and subsequently he refused to marry.
3. Learned counsel for the applicant on instructions submits that the applicant has categorically stated on affidavit that he has performed marriage with the prosecutrix, however, due to some misunderstanding the

report is made and still the applicant recognizes the prosecutrix to be his wife, therefore, the applicant has not committed any offence. He further submits that if the applicant is arrested he will lose his job and further it will lead to complications of marital relations.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the case diary which contains the the affidavit of the applicant wherein he has stated that he has performed marriage with prosecutrix on 04.02.2016.

6. Considering the submission made by the counsel for the applicant on instruction that he has performed marriage with prosecutrix as also the statement of the prosecutrix and further considering the totality of facts and circumstances, I am inclined to allow this 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.

A copy of this order be supplied to the prosecutrix by the Police and she may be explained of the fact of submission made by the applicant about the marriage with the prosecutrix.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

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