

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 861 of 2016

- Mukesh Kumar Soni S/o Premnath Soni Aged About 27 Years R/o Village Bhumiya, P.S. Tilda, District Raipur Chhattisgarh. **---Petitioner**

Versus

- State of Chhattisgarh through S.H.O. City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh. **--- Respondent**

For the applicants : Mr. Hemant Gupta, Advocate.
For the State : Mr. Anil S. Pandey, Govt. Adv.
For the Complainant : Mr. C.R. Sahu, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.09.2016

1. Apprehending arrest in connection with Crime No. 272 of 2016 registered at Police Station City Kotwali, Baloda Bazar (C.G) for the offences punishable u/s 376 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 08.07.2016 a report was made by the prosecutrix that in the year 2013 the applicant kept the prosecutrix with him for certain period of time and thereafter in the year 2016, she was taken to some hotel and the applicant committed sexual intercourse, thereby the offence is committed.
3. Learned counsel for the applicant would submit that due to some misunderstanding the report was made and in fact the applicant and prosecutrix have performed marriage and now they are living together from 21.07.2016. Learned Counsel referred to the affidavit of

prosecutrix filed as Annexure A-3 wherein she would submit that she and applicant have performed marriage on 21.07.2016 and presently they are living together as wife and husband and in view of such developments, the applicant may be enlarged on bail.

4. Learned counsel for the complainant supports the fact. The complainant herself is present in the Court.
5. Learned State Counsel after enquiry made from the complainant submits that the applicant has married the victim.
6. Perused the case diary and the documents filed along-with the bail application.
7. Considering the facts and circumstances of the case and as stated by the learned counsel for the complainant and learned State Counsel, the applicant has performed marriage with the prosecutrix and the said fact is also supported by the prosecutrix on being asked by the learned State Counsel, I am of the view that the present is a case where the applicant can be granted anticipatory bail.
8. 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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