

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 891 of 2016

1. Maruti Kishan Pawar, S/o. Kishan Pawar, aged about 26 years, R/o. Sanpatti Tanda, Tahsil – Avsar, Post – Almala, District – Latur (Maharashtra).

----Applicant

Versus

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

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

1. Apprehending arrest in connection with Crime No.156/2016 registered at Police Station- Ganj, District – Raipur (C.G.), for offence punishable under Section 354, 376 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 01.05.2016 a report was made by the prosecutrix that when the prosecutrix while was travelling in the train came in to contact with the applicant, thereafter, developed the relation and on 21.11.2015 when the prosecutrix went to Raipur they stayed in a hotel wherein on the pretext of marriage, she was sexually exploited and was subjected to unnatural sexual intercourse. Subsequently, the applicant refused to marry.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the report was made on 23.06.2016 and the applicant when wanted to marry the girl, she refused for the reasons known to her and on different point of time, complaint was made by the prosecutrix to Latur, but she did not

turn up and the way the offence is alleged to have been committed, no offence of rape can be attributed to the present applicant as the prosecutrix was aged about 25 years. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the statement of the prosecutrix, wherein she has stated that she stayed in the hotel along with the applicant on 20.11.2015 up till 21.11.2015, wherein she was subjected to sexual intercourse. Considering the statement and the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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