

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 933 of 2016**

1. Shri Sunil Raj, S/o. Shri Shyam Sunder Raj, aged about 30 years, R/o. Quarter No.1066 Sector 5 Balconagar Korba, Tehsil Korba, District – Korba, P.S. - Balconagar, Revenue & Civil District Korba (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : Police Station – Kotwali- Korba, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Ravi Bhagat, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****07/10/2016**

1. Apprehending arrest in connection with Crime No.192/2016 registered at Police Station- Kotwali - Korba, District – Korba (C.G.), for offence punishable under Section 376 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix against the applicant that she was married to one Sanjay Pahuja. Thereafter on mobile she received a phone call of the applicant and consequently one day, the applicant committed forceful sexual intercourse with the prosecutrix and advised her to get a divorce from her husband and the said incident continued for four years prior to the date of report. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the prosecutrix was apprehended while she was in hotel room with some one on

21.11.2012, which would be evident from the Annexure A/2 and the prosecutrix tried to extort money from the present applicant and false allegations have been made. 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 case diary, documents as also the documents filed along with the bail application the copy of crime register, wherein it prima-facie shows that prosecutrix was also arrested while she was caught in hotel with some one. Considering the facts and circumstances of the case and the statement, 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 today.

Sd/-
(Goutam Bhaduri)
Judge