

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 952 of 2016

Dalbir Singh Gill, S/o Shri Gyan Singh Gill, Aged About 27 Years,
Occupation- Bussiness R/o Ward No.4, Bodri, Tehsil Belha, District
Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Chakarbhata, Tehsil Belha, Civil & Revenue District Bilaspur,
Chhattisgarh

---- Respondent

For applicant – Shri R.S. Marhas, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/10/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 232/2016 registered at Police Station Chakarbhatha, District Bilaspur for offence punishable under Section 376 of IPC.

2. As per the prosecution case, a report was made by the prosecutrix on 24/07/2016 that from 26/09/2014 to 19/07/2015 the prosecutrix met the applicant. Thereafter, they fell in love and proposal of marriage was extended. Subsequently, in hotel they developed physical relation and on different occasion thereafter she had sexual relation. Thereafter, the applicant got engaged to some other girl and when the prosecutrix objected, she was misbehaved and eventually report was made.

3. Learned counsel for the applicant submits that the prosecutrix is a professor and is a major lady. She went of her own with the present applicant and when it came to notice that the prosecutrix is in relation with some other boy, the relation broke out, therefore no forceful rape has been committed

and the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the documents. Case diary also contains various photographs. The report also shows at different places prosecutrix met with the applicant and they had relation. Admittedly, the girl appears to be major. Taking into facts, I am inclined to extend benefit of anticipatory bail to the applicant.

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) 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.

Sd/-

(Goutam Bhaduri)

JUDGE

