

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 911 OF 2017

Jokhan Ekka, S/o Late Gyan Sai, aged about 23 years, R/o Jagarnath Pur, Darripara, Out Post Khadgawan, P.S. Pratappur, District Surajpur (C.G.)

... Applicant

versus

State of Chhattisgarh, through Station House Officer, Out Post Khadgawan, P.S. Pratappur, District Surajpur (C.G.)

... Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Non-applicant/State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/11/2017

1. The present is an application under Section 438 of CrPC seeking for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No.178/2017, registered at Police Outpost-Khadgawan, Police Station- Pratappur, District- Surajpur, for the offence punishable under Sections 376, 506-B of IPC.
2. Case of the prosecution against the Applicant is that on the pretext of marriage he is said to have had physical relationship with the Prosecutrix for a considerable period of time and subsequently is said to have refused to keep her as his wife.
3. Learned Counsel for the Applicant submits that it is a case where the Prosecutrix in the instant case is a 24 years old married lady and having children also and the present Applicant is an unmarried boy and therefore there was no occasion of any assurance of marriage being given by him to the Prosecutrix. He further submits that the matter already has gone up to the Parivar Paramarsh Kendra, District Surajpur, where the conciliation proceeding was also held in this regard. He thus prayed that the Applicant deserves to get the benefit of anticipatory bail.

4. Learned Counsel for the State however opposing the anticipatory bail application submits that the statement of the Prosecutrix says that she has been falsely given the assurance by the Applicant of marrying her but he later refused to marry her.

5. Taking into consideration the facts and circumstances of the case particularly the fact that the Prosecutrix is already a married lady with two children, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is ordered that in the event of arrest of the Applicant in connection with Crime No.178/2017, registered at Police Outpost-Khadgawan, Police Station- Pratappur, District- Surajpur, for the offence punishable under Sections 376, 506-B of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned 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.

Sd/-
(P. Sam Koshy)
Judge