

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1058 of 2017**

Balram Sagar S/o Ram Prasad Sagar, aged about 23 years, R/o Behind Rest House, Korba, Tehsil and District Korba (CG).

-----Applicant

Versus

State of Chhattisgarh Through District Magistrate, Civil and Revenue District Korba (CG).

---- Respondent

For Applicant	:	Shri Rakesh Pandey, Advocate.
For Respondent	:	Shri Gary Mukhopadhyay, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

14/12/2017

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.543 of 2017 registered at Police Station City Kotwali, Korba, for the offence punishable under Section 376 IPC and Section 6 of the POCSO Act.
2. The allegation against the applicant as per prosecution is that, the applicant on the pretext of marriage is said to have had physical relationship with the prosecutrix for a considerable period of time and thereafter he had refused to marry with the prosecutrix leading to filing of complaint.
3. According to the counsel for the applicant, it is a case where the present applicant is a Constable in the Police department and that he has been falsely implicated in the case. It is a case where the prosecutrix in the instant case wanted to marry with the applicant. When the applicant refused to marry, she has filed a complaint. The prosecutrix is grown up

lady of 20 years and the allegation pertains to the period of three years back when she was minor. Even after her attaining the age of majority, she did not file any complaint for almost two years and has lodged complaint now when she is more than 20 years of age and as such there is a great element of doubt on the prosecution story, and therefore the applicant may be granted anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that it is a case where there is direct allegation against the applicant of having physical relationship with the complainant for a considerable long period and thereafter refusing to marry, and thus prayed for rejection of the bail application.
5. Having heard learned counsel for the parties and perusal of case diary it is apparently clear that there are contradictory averment in the statement under Sections 161 as well as 164 Cr.P.C. of the prosecutrix and also considering the fact that there is delay in lodging the FIR, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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;

3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

4. 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.

6. Certified copy, as per rules.

Sd/-
(P.Sam Koshy)
Judge

inder