

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 132 of 2017**

- Ravindra Pratap Toppo S/o Shri Bolwa Ram, Aged About 35 Years R/o Pat Pariya, Ambikapur, Police Station Gandhi Nagar, Tahsil Ambikapur District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Of Police Station Gandhinagarh, District Surguja Chhattisgarh

---- Non-applicant

For Applicant:	Mr. Vineet Kumar Pandey, Advocate
For State:	Mr. Arvind Shukla, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****10.05.2017**

1. Apprehending arrest in connection with Crime 37/2017 registered at Police Station- Ghandhinagar, District - Surguja (C.G.), for offence punishable under Section 376(2)(f) of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution as per the case diary is that the present Applicant is said to have maintained physical relationship with the Prosecutrix for a considerable period of time. Thereafter, the Applicant is said to have refused to marry her which forced the complainant to lodge the FIR against the present Applicant.
3. Learned Counsel for the Applicant submits that a plain reading of the initial complaint that was lodged before the Police authorities and the statement under Section 161 would clearly depict that there was a consensual relationships between the two while having physical relationship. Learned Counsel for the Applicant leads us

through the entire statement of the Prosecutrix wherein she has categorically stated that there was no assurance of marriage when for the initial period, the two of them had physical relationship. It was also contended that the Prosecutrix meanwhile had also got conceived and abortion done on two occasions which also shows that there was a consensual physical relationship and that the complaint made is false and totally baseless. It was also contended by the Counsel for the present Applicant that offence under section 376(2)(f) also would not be made out for a simple reason that the present Applicant was not in any manner closely related or was a guardian of the Prosecutrix.

4. Learned State Counsel however opposing the bail application on the ground of the statement of the Prosecutrix depicts the role played by the present Applicant that from the reading of the statement of the Prosecutrix under Section 164 of the Cr.P.C. it also reflects that at later stage the present Applicant is said to have assured of marrying her and keep her as his wife while maintaining physical relationship.
5. Having considered the rival contention put forth on either side and on perusal of record particularly the initial statement of the Prosecutrix i.e. the FIR as well as 161 statement which clearly reflects that initially for a considerable period of time the complainant does not state that they were having physical relationship on the assurances given by the present Applicant for marriage. The assurance of marriage in her statement only came at a very late stage and that to after two abortions done by the Prosecutrix in between.
6. Considering the total facts and circumstances of the case particularly the statement of the Prosecutrix and also considering the age of the Prosecutrix, this Court is of the opinion that prima

facie a strong case for grant of anticipatory bail has been made out.

7. Accordingly, the MCRCA is allowed.
8. 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.
9. Certified copy as per rules.

**Sd/-
(P. Sam Koshy)
JUDGE**