

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 302 of 2017

- Jaishankar Yadav S/o Sevdhar Yadav, Aged About 23 Years R/o Lasunpath, Police Station Shankargarh, Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. A.K. Prasad, Advocate.
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/11/2017

1. Apprehending arrest in connection with Crime No.27/2017 registered at Police Station- Balrampur, District – Balrampur Ramanujganj (C.G.), for the offence punishable under Sections 341, 376, 506 & 294 of the Indian Penal Code (for short 'IPC'), the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for applicant submits that admittedly the applicant and the prosecutrix had a relationship since 2015 and on number of occasions they developed physical relationship with mutual consent. The prosecutrix was major on the date of alleged incident. FIR has been lodged belatedly with deliberation on 14.2.2017, because the family of applicant and the family of prosecutrix are on inimical terms on account of some property dispute between them. Documents are

filed showing pendency of proceedings between the parties before the authorities concerned. Thus, it is clear that the applicant has been falsely implicated in this case and therefore, he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the contents of FIR and the statement of the prosecutrix recorded under Section 161 of CrPC are clear and categorical against the applicant, that he had sexually exploited the prosecutrix on the pretext of marrying her and other false promises. Hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As per FIR lodged against the applicant, on 2.7.2017 applicant gave lift to the prosecutrix on his motorcycle and thereafter took her to an isolated place where he committed forceful sexual intercourse with her. The applicant later continued having sexual intercourse with the prosecutrix on the pretext that he would marry her. In January, 2017, when the marriage of prosecutrix was being negotiated, she asked the applicant to marry her, but he not only refused to marry her but also insulted and threatened her. Therefore, FIR was lodged on 14.2.2017.
6. Considering the submissions made and the contents of the case diary, especially the statement of the prosecutrix that after the first incident of rape, she and applicant met on various occasions and had sexual intercourse, although on alleged threat or on a promise of marriage. Looking to these circumstances, I am of the view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

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 his 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge