

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 687 of 2017

- Suresh Kumar Jangde S/o Late Jhaduram, Aged About 40 Years
Caste Satnami, R/o Village Korbi, Police Station Baloda, Civil
District Bilaspur, Revenue District Janjgir- Champa (Chhattisgarh).

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Baloda, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate
For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 118/2017, registered at Police Station Baloda, District – Janjgir-Champa, Chhattisgarh, for the offences punishable under Section 376 & 450 of the Indian Penal Code.
3. It is submitted that the applicant has been falsely implicated by the prosecutrix in this case. The prosecutrix and applicant and were having physical relation since two years and the prosecutrix was a consenting party. The prosecutrix is a major women of aged 38

years and when the son of the prosecutrix saw the prosecutrix and the applicant in a compromising position, a false report has been lodged against the applicant. The applicant is willing to abide by all the conditions that may be imposed while granting the anticipatory bail. It is prayed that the applicant may be granted anticipatory bail.

4. Counsel for the state opposes the bail application would submit that the prosecutrix has made clear allegations against the applicant and he is not entitled for grant of anticipatory bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of this case are that the prosecutrix has alleged that on 07.07.2017 at mid night around 3:00 - 4:00 A.M., the applicant committed house tress-pass and forcefully subjected her to sexual intercourse. On this basis, the offence has been registered against the applicant.
7. Considering the submission and contents of the case diary, particularly, looking to the statement of the prosecutrix regarding the applicant having physical relationship with her and the reason for lodging FIR, I am of the view that it is a fit case where the applicant is entitled for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the even 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 boned 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 them 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 every date given to him by the said Court till disposal of the trial.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge