

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 696 of 2017**

Rajat Kumar Agrawal, S/o. Ramesh Kumar Agrawal, aged about 25 years,
Caste-Agrawal, R/o. Village-Patthalgaon, Tahsil – Patthalgaon, District –
Jashpur (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
– Patthalgaon, District – Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer
For Objector/Complainant	: Ms. Sharmila Singhai, & Mr. Sanjay Agrawal, Advocates

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/11/2017**

1. Apprehending arrest in connection with Crime No.105/2017, registered at Police Station- Patthalgaon, District – Jashpur (C.G.), for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that applicant is innocent and have been falsely implicated in this case. Applicant admits that he had love affair with the prosecutrix since the year 2015, on that basis, if it is alleged that sexual intercourse has taken place that amounts to consensual intercourse. Father of the prosecutrix has moved an application before the community to decide on this matter about the allegation made by the prosecutrix.

Applicant is ready to abide by all the conditions imposed and cooperate with the investigation, hence prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that as per the contents of the FIR and the statement of the witnesses under Section 161 of Cr.P.C. since from the very beginning, applicant forcefully committed sexual intercourse with the prosecutrix on the pretext of marrying her, which amounts to the offence of rape, hence he is not entitled for grant of bail.
4. Counsel for the Objector adopts the arguments advanced by the counsel for the State and submits that as per the statement made by the prosecutrix, every sexual intercourse that has taken place between the applicant and the prosecutrix was done by force, which shows that prosecutrix was not a consenting party, hence, the applicant is not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. A complaint has been lodged by the prosecutrix on 15.06.2017 alleging in that she and the applicant got acquainted with each other. Thereafter, applicant expressed his love for the prosecutrix and making statement that he will marry her and thereafter sexually exploited the prosecutrix since January, 2015. In the subsequent development, applicant is going to marry some other girl, it was for this reason, FIR was lodged and the case has been registered against the applicant.

7. Considering the submissions made by the parties and the contents of the case diary, particularly, the statement of the prosecutrix under Section 164 of Cr.P.C., this Court finds it to be a fit case, where the applicant should be extended the benefit of anticipatory bail .
8. Accordingly, the anticipatory bail application is allowed. 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge