

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 707 of 2017**

- Om Prakash Maurya S/o Chhote Lal, Aged About 23 Years, Caste Panika, R/o Village Ghatai, Police Station Janakpur, Tahsil Bharatpur, District Korla (Chhattisgarh).

----Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Janakpur, District Korla (Chhattisgarh).

---- Non-applicant

For Applicant	: Shri Mahendra K. Sahu, Advocate
For Non-applicant/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/11/2017**

1. Apprehending arrest in connection with Crime No.51/2017 registered at Police Station- Janakpur, District – Korla (C.G.), for offence punishable under Section 376(2)(n) and 506 of the Indian Penal Code and Section 3 (1 – 12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated in this case. The prosecutrix in this case is major. The applicant and the prosecutrix had love affair and they have performed marriage in a temple in Bharatpur, District Korla and started living as husband and wife. The notarized document was also executed by the

applicant and his wife, the prosecutrix, copy of the said document is annexed as Annexure- A/2. The applicant and his wife, the prosecutrix, left for Jammu and Kashmir in the year 2016 and have stayed there for almost one year, both have come back and were residing in the native place. When the prosecutrix left the house of the applicant for appearing in some examination, she was abducted by her parents. Coming to know this fact, the applicant filed an application under Section 97 of the Cr.P.C. for issuance of search warrant against the parents of the prosecutrix and as a counter blast to that a false FIR has been lodged after putting the prosecutrix in compulsion against the applicant. On behalf of the applicant it is also submitted the prosecutrix is legally married wife of the applicant and he wants to perform matrimonial responsibilities. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application and the submission made in this respect. It is submitted that the contents of the FIR and the statement under Section 161 of Cr.P.C. are clearly against the applicant that he has committed the offence of rape against the prosecutrix, hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and also the documents along with the application, copy of the notarized document in proof of marriage between the applicant and the prosecutrix, copy of the document regarding proceedings under Section 97 of the Cr.P.C. before the Court of the SDM Bharatpur, Distt. Koriya. Copy of the maternity card which shows that the prosecutrix has a child from the applicant.

5. Taking into consideration on the submission and the contents of the case diary and also the documents produced by the applicant in this case, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
6. 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 him by the said Court till disposal of the trial.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge