

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 797 of 2017

Anand Kumar Gupta S/o Kamla Prasad Gupta, Aged
About 25 Years R/o Indarikala, Police Station Chando,
District Balrampur, Chhattisgarh. --- **Applicant**

Versus

State of Chhattisgarh Through Station House Officer, Police
Station Balrampur, District Balrampur, Chhattisgarh.
--- **Respondent**

For the applicant : Mr. Shakti Raj Sinha, Advocate.
For the State : Mr. Ashish Shukla, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2017

1. Apprehending arrest in connection with Crime No. 97/2017 registered at Police Station Balrampur (C.G) for the offences punishable u/s 376 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the victim on 13.07.2017 that on the pretext of marriage, the applicant has committed forcible sexual intercourse and thereafter refused to marry her.
3. Learned counsel for the applicant during the course of arguments referred to Annexure A-4 which is an application for restitution of conjugal rights u/s 9 filed by the Prosecutrix and also the report to the police station Ramanuj Ganj (Annexure A-3) wherein the allegation of demand of dowry was made. He further referred to

document Annexure A-2 and would submit that all these documents would show that the prosecutrix was married to the present applicant. Learned counsel on instructions submits that the applicant has married the prosecutrix, therefore, the report alleging demand of dowry has been made and no case is made out u/s 376 IPC.

4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. Considering the documents which are relied upon by the applicant wherein it is stated that the applicant has married the prosecutrix, I am inclined to allow this bail application.
6. Accordingly, the 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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