

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1202 of 2016

Igesh Gupta S/o Shri Nandlal Gupta Aged About 22 Years R/o
Village Dadhi, Police Station Dadhi, Tahsil & District Bemetara,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Dadhi, District
Bemetara, Chhattisgarh.

---- Respondent

For applicant – Shri Goutam Khetrapal and Shri Vaibhav A. Goverdhan,
Advocate.

For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/01/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 190/2016 registered at Police Station Dadhi, District-Bemetara (C.G.) for offence punishable under Sections 376, 294, 506 of Indian Penal Code.
2. As per the prosecution case, a report was lodged by the victim on 24/10/2016 that from 2013 the applicant was having physical relation with her. Subsequently, deserted her. Thereby, has committed the offence.
3. Learned counsel for the applicant submits that the victim is a married lady and she herself developed relation with the applicant. He submits that it is not that she has been deserted or is widow or left by the husband and she being a major lady with her full consent developed the relation, therefore no offence under Section 376 IPC is made out. Learned counsel therefore submits that the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Perused the statement of the victim and in the report it appears that she is major lady of 43 years and she was in relation with the applicant. Considering the statement and facts of the case, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 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) 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.

Sd/-

(Goutam Bhaduri)

JUDGE

