

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 659 of 2017

1. Ajay Pratap Singh S/O Shri Ajit Pratap Singh, aged about 26 years, R/O Cross Street-03, Block No. 7/E, Sector-06, Bhilai Nagar, District Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : The District Magistrate, Durg, District- Durg C.G.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent/State : Mr. Neeraj Sharma, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/08/2017

1. Heard.
2. Apprehending arrest in connection with Crime No.460/2017 registered at Police Station- Supela, District – Durg (C.G.), for offence punishable under Sections 376, 506 of I.P.C., 1860 the applicant has preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicant that that applicant is a basket-ball player and the complainant/ prosecutrix is also a basket-ball player, both of them were acquainted to each other since long. It is alleged in the FIR against petitioner that 4 years prior to the date of lodging FIR, on various occasion, applicant made physical relationship with the complainant with a promise to perform marriage with her. In the meanwhile, petitioner got employment with North Frontier railway and got his posting at Guwahati. It is alleged that petitioner gave assurance to the prosecutrix that he will perform marriage with her on **6th of April**

this year, but complainant/ prosecutrix came to know that marriage of petitioner has been fixed with some other girl, after that complainant contacted with the petitioner on mobile but he allegedly threatened the prosecutrix/ complainant with dire consequences.

4. It is further submitted by the learned counsel for the applicant that on the basis of contents of the FIR itself, no offence is made out against the applicant. Complainant/ prosecutrix is aged about 24 years and she is major and if the allegation in FIR is to be believed, she has willfully made physical relationship and submitted to sexual intercourse with the applicant. It is also submitted that as per information received by the applicant, the complainant/ prosecutrix is already married, which is shown in a certificate issued by Aarya Samaj Hansapuri, Nagpur and is attached with this petition. It is also submitted that applicant has a bright carrier and just to destroy his future, this false report has been lodged against him. A reference is also made here in the complaint by the father of the applicant to the Police-Station-Kotwali, Sector-6, Bhilai Nagar on 08.06.2017, alleging in it that he and his son was threatened by complainant/ prosecutrix and blackmailed for demand of Rupees 10 lakhs threatening that applicant shall be falsely implicated in the case, hence prayed that he may be benefited with grant of anticipatory bail.
5. State counsel has opposed the application and the submission made in this behalf. It is submitted that the applicant has sexually exploited the complainant/prosecutrix and left her to perform marriage with some other girl, hence, the applicant is not entitled for grant of any relief.

6. I have heard the learned counsel for the parties and perused the documents placed on record.

7. Considering the allegation in the FIR against the applicant, and that the incident alleged to have taken place continuously from 2 years prior to the date of lodging FIR and further considered the fact that complainant/ prosecutrix is major and FIR was lodged when applicant refused to perform marriage with the complainant, without commenting on the merits of the case this Court feels this application is fit to be allowed.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting them 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