

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 4 of 2018**

Ravindra Kashyap, S/o. Ashok Kashyap, Aged About 25 Years, R/o. Naya Sarkanda, Bangalipara, Gali No. 3, P. S. Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sarkanda, District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Suresh Kumar Verma, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer
For Prosecutrix	: Mr. C.P. Soni, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/04/2018**

1. Apprehending arrest in connection with Crime No.792/2017, registered at Police Station – Sarkanda, District – Bilaspur 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 the applicant has been falsely implicated in this case. Prosecutrix was major girl on the date of incident. Applicant and prosecutrix both had love affair and both have performed marriage on 05.11.2017, but subsequent to that because of some dispute between them, prosecutrix has lodged false FIR against this applicant. Prosecutrix

has filed an affidavit before the concerned Sessions Court stating that she has no objection, if anticipatory bail is granted to this applicant but that was not considered and the counsel appearing on behalf of the prosecutrix in this case has also expressed no objection for grant of anticipatory bail. Therefore, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect.
4. Counsel for the prosecutrix has made submission in support of the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. According to the prosecution case, the prosecutrix was minor on the date of incident, when the applicant established physical relation with her without her willingness and consent. FIR was lodged by the brother of the prosecutrix and on that basis investigation is being made.
7. Considered the submissions made and the contents of the case diary and also this fact that prosecutrix herself has no objection, if the, anticipatory bail is granted to this applicant and the reasons i.e. mentioned that both are now living together, hence for this reason, this Court is of the opinion that it is a fit case, where the applicant should be extend the benefit of Section 438 of Cr.P.C.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge