

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 18 of 2018

- Rupendra Kumar @ Krishna S/o Sushil Sharma, Aged About 29 Years, R/o Than Khamharia, P. S. And Tahsil Thana Khamharia, District Bemetara Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through P. S. Than Khamharia, District Bemetara Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Vivek Sharma, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-04-2018

1. Apprehending arrest in connection with Crime No.222/17, registered at Police Station – Than Khamharia, District Bemetara, Chhattisgarh for offence punishable under Section 376, 493 of the IPC, 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 is innocent and he has been falsely implicated in this case. The prosecutrix in this case is a woman of age 40 years and she was a married lady at the time of the incident as alleged. Hence, no case is made out, that the applicant had exploited sexually on the pretext of marrying her. It is also submitted that the applicant and the prosecutrix had lived in relationship for almost 4 years between 2013 to 2017. Hence, the FIR lodged by the prosecutrix is totally false and no case is made out against this applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submits, that in the written complaint given it is clearly stated that submission of the prosecutrix for sexual relationship was obtained by

inducement by the applicant and lastly the applicant refused to marry the prosecutrix. Hence, no case is made out for grant of bail.

4. Learned counsel for the objector adopts the argument submitted on behalf of the State and submits that although the relationship started between the applicant and the prosecutrix in the year 2013, during which a divorce petition had been filed by the prosecutrix against her husband, but during pendency of that divorce petition, her husband expired, hence, she withdrew the divorce petition. Subsequent to that also, this applicant continued to induce the prosecutrix with false promise to marry her and continued with the relationship. Hence, looking to his conduct, he is not entitled for grant of bail.

5. I have heard the learned counsel for the parties and perused the case diary.

6. The case is this, that this applicant and the prosecutrix had relationship between year 2013 to 2017, while the prosecutrix was a married woman and she had filed a divorce petition against her husband. It is alleged that during the relationship the applicant had prepared some video and used the same video to threaten the prosecutrix for making it viral if she does not submit her for physical relation to him. After the death of husband of the prosecutrix the relationship continued, but after passing of time the applicant has simply refused to marry the prosecutrix.

7. Considered on the submissions made and contents of the case diary.

8. Considered on the time duration of the alleged offence and the nature of allegation that has been made for the reason that the applicant had refused to marry the prosecutrix. The case shall be examined in detail by the trial Court itself, but, for the present, I am of this view that the applicant should be benefited with grant of anticipatory bail.

9. 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge