

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 85 of 2018

Sunil Kumar Yadav S/o Shiv Narayan Yadav Aged About 28
Years R/o Village Nimbupur, Police Station Alinagar, District
Chandauli (U.P) Recently Residing At Sanjay Nagar, Ring
Road, Imliduggu Korba, Police Station Kotwalikorba, Tahsil &
District Korba Chhattisgarh, --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police
Station Kotwali Korba District Korba Chhattisgarh, ---
Respondent

For the applicant : Mr. T. K. Jha, Advocate.
For the State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2018

1. Apprehending arrest in connection with Crime No.278 of 2016 registered at Police Station Kotwali Korba, District Korba (C.G) for the offences punishable u/ss 376 of IPC and Section 3(2)(v) and 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has filed this second bail application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 24.12.2015 a report was made by the prosecutrix that on the pretext of marriage the applicant committed sexual intercourse with her. Subsequently, when the applicant was pressurized, he refused to marry her stating that he was already married to another girl and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant would submit that the applicant and prosecutrix have now decided to marry

with each other and the prosecutrix herself has given a letter to the Superintendent of Police, Korba wherein she requested that no proceedings of FIR shall be drawn against the applicant.

4. Per contra, learned State Counsel opposes the prayer.
5. The report of prosecution and letter of prosecutrix are placed before this Court. A perusal of the letter submitted to S.P., Korba would show that she want to withdraw her complaint on the ground of marriage and it has been further stated by her that since the applicant and prosecutrix have decided to marry with each other, therefore, no proceedings be drawn against the applicant. Considering the same, I am inclined to admit the applicant on anticipatory bail.
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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