

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 580 of 2017

Jayant Dewangan S/o Purshottam Dewangan Aged About 30 Years R/o Pathanpara, Ward No. 38 Police Station Basantpur, Tehsil & District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Somni, District Rajnandgaon Chhattisgarh.

---- Respondent

Shri S.S.Baghel, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

Heard.

The applicant is apprehending his arrest in connection with Crime No.85/2017 registered at Police Station – Somni, District - Rajnandgaon (CG) for alleged commission of offences under Section 376, 493 of IPC.

2. Case of the prosecution is that the applicant committed rape on the prosecutrix on the false pretext of marriage.

3. Learned counsel for the applicant submits that a bare reading of the statement of the prosecutrix, it does not make out a case of commission of offence against the applicant because even according to the prosecutrix, not only she is major but also a married woman and had a long relation with the applicant and because of certain disputes, she lodged report against the applicant making such allegations. It is submitted that the prosecutrix has clearly stated that she had an affair with the applicant and had sexual intercourse with the applicant for several years and many times, the applicant and the prosecutrix consented and went for abortion.

4. Learned State counsel submits that according to the prosecutrix, the applicant

falsely stated that he is not a married person and on the assurance that he will marry her soon, he kept on exploiting her for many years. Therefore, prima facie case is made out.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the contents of the statement of the prosecutrix, I am inclined to protect the applicant by granting anticipatory bail.

6. Accordingly, this 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 on his furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police 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 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/-
(Manindra Mohan Shrivastava)
Judge