

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 986 of 2017**

- Narottam Mandle S/o Late Farharam Mandle, Aged About 51 Years, R/o Tilka Para Navagarh, Tahsil Navagarh District Bemetara, At Present Address Sector-8, Tahsil and District Durg Chattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Navagarh, District Bemetara Chhattisgarh

----Non-applicant

For Applicant : Shri Satish Chandra Verma, Advocate.
 For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/01/2018**

1. Apprehending arrest in connection with Crime No.184/2017, registered at Police Station – Navagarh, District – Bemetara (C.G.) for offence punishable under Section 376, 506 Part 2 of the IPC, 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 has been falsely implicated by the prosecutrix in this case. The applicant and the prosecutrix had relationship for almost two years. The prosecutrix is a major lady of age 26 years, hence, their relationship had been consensual. It is also submitted that the applicant has even performed marriage with the prosecutrix in Giroudhpuri and thereafter because of disagreement between them, the applicant left her. The prosecutrix

has lodged the FIR against the applicant only for the purpose of taking revenge. No offence is made out under Section 376 of the IPC. Hence, it is prayed that the applicant may be granted anticipatory bail. It is also submitted that the applicant is a Government servant working as Govt. teacher in Navagarh block.

3. Learned counsel for the non-applicant/State opposes the application and the submission made in this respect. It is submitted that the applicant has exploited the prosecutrix on the pretext of marrying her and thereafter he performed fake marriage with her in Giroudhpuri to make her believe about a valid marriage and as the applicant has deserted the prosecutrix, this report has been lodged. Hence, the applicant is not entitled for grant of anticipatory bail.

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

5. The case against the applicant is this, that the applicant allured the prosecutrix that his wife has expired and established physical relationship with her by promising to marry her. In the meanwhile, the prosecutrix became pregnant. Thereafter, the applicant without performing his promise has deserted her.

6. Considered on the submissions made and contents of the case diary. On going through the statements of the prosecutrix under Section 161 and 164 of the Cr.P.C., I am of this opinion that the applicant has a case to defend and for these reasons, the applicant deserves to be benefited with grant of anticipatory bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge