

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 997 of 2017

- Bilal Ahmad S/o Gulam Hassan, Aged About 26 Years R/o C.I.S.F. Colony, Bhilai, Tahsil And District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Utai, District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/01/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.444/2017 registered at Police Station-Utai, District-Durg (C.G.), for the offence punishable under Sections 376 & 506 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant and prosecutrix had a love affair between them and subsequent to lodging of FIR, both of them have married on 29.10.2017 in accordance with Islamic rituals. The documents of *Nikahnama* and photographs are filed along with the application. The prosecutrix had filed an application supported with affidavit before the sub-ordinate Court stating, that she has no

objection if the applicant is granted anticipatory bail. It is submitted that in these circumstances no offence is made out against the applicant and he is entitled for grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the statement under Section 161 and 164 of CrPC given by prosecutrix is clear and categorical against the applicant, hence, applicant is also not entitled for grant of anticipatory bail.

4. Heard both the counsel and perused the case diary.

5. Considered on these submissions and the contents of the case diary. The case against the applicant is this, that some time before the lodging of FIR, applicant and prosecutrix came to know about each other and then applicant started coming to the house of the prosecutrix, thereafter, on pretext of marrying the prosecutrix he started having physical relationship with her and this continued for almost two months, thereafter, applicant not only refused to marry the prosecutrix but also abused and threatened her because of which FIR was lodged.

6. Considering on the submissions, contents of the case diary and both the documents filed along with this application and looking to the peculiar facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be benefited with the grant of anticipatory bail.

7. Accordingly, the anticipatory bail 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge