

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.215 of 2018**

Santosh Randhava @ Sonu, S/o Sarvjeet Singh, aged bout 33 years, R/o Village Khursipar, Camp 02, Bhilai, P.S. Khursipar, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Station House Officer, Police Station Mohan Nagar, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Tarun Dansena, Advocate
For Respondent	:	Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25.4.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.25 of 2018 registered at Police Station Mohan Nagar, District Durg for an alleged offence punishable under Section 376 of the Indian Penal Code.
2. Facts of the case are that the prosecutrix, aged about 22 years, has lodged a written report making allegation that the present Applicant had proposed her, but she did not accept his proposal. Thereafter, they started meeting with each other daily. One day, the Applicant took her to his house and committed forcible sexual intercourse with her and thereafter he left her back at her house. When the prosecutrix stopped to make him telephonic calls, he started threatening her. On the basis of the said report, police registered aforesaid Crime No.25 of 2018.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent. He has been falsely implicated in the case. There was a love relation between the prosecutrix and the Applicant. Due to that, mother of the prosecutrix annoyed and under her pressure the prosecutrix lodged the false report. It is further submitted that the prosecutrix does not want any action against the Applicant and for that she has also submitted an application to the Superintendent of Police, Durg. It is further submitted that the prosecutrix, in her statement recorded under Section 164 of the Code of Criminal Procedure also, has not made any allegation against the Applicant regarding rape.
4. Learned Counsel appearing for the State/Respondent opposes the prayer for grant of anticipatory bail.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the facts and circumstances of the case and the submissions put-forth, particularly that the prosecutrix, in her statement recorded under Section 164 of the Code of Criminal Procedure, has not made any allegation against the Applicant regarding rape, she is a major girl and from the evidence collected so far it appears that there was a love relation between her and the Applicant, I am inclined to allow the application for grant of anticipatory bail.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on

anticipatory bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. He shall also abide by all the following terms and conditions:

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE