

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 216 of 2018

- Sudhish Charan, S/o Late M. Charan, aged about 44 years, R/o Om Nagar, Jarhabhata, P.S. Civil Lines, Bilaspur, Tahsil and District- Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, P.S. Bilha, District- Bilaspur (Chhattisgarh).

---- Non-applicant

For Applicant	:	Mr. N. L. Soni, Advocate.
For the State	:	Mr. Anant Bajpai, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/05/2018

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C. apprehending her arrest in connection with Crime No. 410/2017 Registered at Police Station- Bilha, District- Bilaspur (C.G.), for the offence punishable under Sections 376 of IPC.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Applicant and the prosecutrix were love in with each other, this applicant had intended to marry the prosecutrix but because of some misunderstanding the prosecutrix has lodged a false complaint on 26.12.2017. Now, there is no more misunderstanding between them and they have got married on 12.01.2018 according to

the Cristian religious rights. The prosecutrix has herself filed an affidavit before the Sessions Court stating that she has no objection in grant of Anticipatory bail to the applicant, which was not considered by the concerned Court. Documents have been filed in support of proof of marriage, hence, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that a report has been given by Police Station- Bilha according to which applicant had married on 12.01.2018 with the prosecutrix and in the enquiry so made, the prosecutrix has supported the statement made by the applicant, Hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. FIR has been lodged against this applicant by the prosecutrix that this applicant exploited her sexually on number of occasions. Considered on the development of things that have taken place, which has also been verified and found correct by the investigating agencies, hence, I am of this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
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, she 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 trial Court. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge