

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 241 of 2018**

Bablu Kumar Banjare, S/o. Shri Jawahar Lal Banjare, Aged About 31 Years, R/o. Village Binouridih, Police Station Pachpedi, Tahsil Masturi District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Incharge Police Station Mahila Thana Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abdul Wahab Khan, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/05/2018**

1. Apprehending arrest in connection with Crime No.6/2018, registered at Police Station – Mahila Police Station Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix is 30 years old woman and the applicant is a constable. In the year 2009, both of them got acquainted and then this acquaintance developed into an affair, because of which, both of them had physical relationship on the basis of the consent of each other, till

the year 2017. It is alleged that when the applicant refused to marry the prosecutrix, therefore, the FIR has been lodged..

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the allegation made in the complaint made by the prosecutrix is of serious in nature, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to case against this applicant is this that when the applicant got acquainted with the prosecutrix on one occasion, he came to her place and forcefully had physical relationship with her and it was at that time the applicant promised her that he will marry her and cautioned her that she will not disclose about the incident to anybody. The prosecutrix believed him and continued with the relation. Ultimately in the year 2017, when the applicant refused to marry the prosecutrix, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and for the reason that the prosecutrix is major woman of age 30 years and also considering the evidence i.e. proposed against the applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram