

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 290 of 2018

Pramod Kumar Mahra S/o Shri Nand Ram Mahra Aged About 29 Years R/o Village Pendari, Tehsil Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Sakari, District Bilaspur Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Pawan Kesharwani, Advocate.
For Non-applicant/State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2018

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No. 41/2018, registered at Police Station Sakari, District Bilaspur, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code, 1860.
2. The allegation against the present applicant as per the case of prosecution is that the present applicant on the pretext of marriage is said to have maintained a physical relationship with the prosecutrix for long and has since refused to marry, which led to the filing of the complaint.
3. The counsel for the applicant submits that it is a case where the brother of the prosecutrix is said to have outrage the modesty of the sister of the present applicant first, for which a complaint was lodged in the village and to counter the said complaint lodged in the village, the prosecutrix herein is said to have gone and lodged a report first before the Police Station and immediately thereafter the F.I.R. of the sister of the present applicant also have been registered for similar

offences. The counsel for the applicant also submits that it is a case where the prosecutrix in the present case is said to have made similar allegations against many other persons. One such document he could obtain under the Right to Information Act was produced before the Court for verification and thus prayed for the grant the benefit of anticipatory bail.

4. The State counsel however opposing the bail application submits that looking to the conduct of the present applicant and the manner in which the offence has been committed; he does not deserve to be granted the benefit of anticipatory bail.
5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking into consideration the two FIRs lodged before the same Police Station at around the same time and also taking into consideration the documents, which have been produced by the applicant in respect of similar complaints lodged by the prosecutrix in the present case, against other persons, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.
6. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the applicant in connection with Crime No. 41/2018, registered at Police Station Sakari, District Bilaspur, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code, 1860, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

(i) that the applicant shall make himself available for interrogation before the concerned 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/-

(P. Sam Koshy)
Judge