

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 281 of 2018**

Sanjay Singh @ Pintu S/o S/o Ganesh Singh Bais, Aged About 32 Years R/o Village Chamari, Post Fasterpur, District Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station Sakri, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

**---- Respondent**


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For the Applicants : Shri Samir Singh, Advocate.  
For the Respondent/State : Shri Vinod Tekam, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****06.07.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
  
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 19 of 2018, registered at Police Station – Sakri, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 376, 452 and 323 of the Indian Penal Code.
  
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a major lady aged about 27 years. She and the applicant developed love affair and had physical relationship between them, based on consent of the prosecutrix. The only

grievance of the prosecutrix is that the applicant instead of marrying her has married to another woman because of which, the FIR has been lodged. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged by the prosecutrix that about two years prior to the date of lodging of FIR, the applicant allured the prosecutrix with a promise to marry her and then established physical relationship with her. The relation continued for a long period when the prosecutrix came to know that the applicant has married to some other girl, then the FIR has been lodged.

7. Considering the material present in the case-diary and the nature of evidence present against the applicant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application of the applicant 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 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 them 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