

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 330 of 2018

Sumit Kumar Jaysawal S/o Shri Shiv Kumar Jaysawal, aged about 27 years, R/o Motitalab Para, Jagdalpur, P.S. Jagdalpur, District Baster (C.G.).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station In-Charge P.S. - Kotwali Jagdalpur, District Baster (C.G.).

---- Respondent

For Applicant	:	Shri Bhupender Singh, Advocate.
For Respondent	:	Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/05/2018

1. The present is an application filed under Section 438 of Cr.P.C. seeking for anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 39/2018 registered at Police Station Kotwali Jagdalpur (C.G.) for the offence punishable under Section 376 of IPC.
2. The allegation against the present applicant as per the prosecution case is that, on the pretext of marriage, the present applicant is said to have had sexual relationship with the prosecutrix for a considerable period of time and lateron he is said to have refused to marry the prosecutrix which led to the filing of the F.I.R.
3. The counsel for the applicant submits that, the plain reading of the statement of the prosecutrix itself would show that there was a consensual relationship between the present applicant and the prosecutrix. He further submits that, the prosecutrix in the instant case also is a 27 years old grown up lady and thus prayed for granting the benefit of Anticipatory Bail to the applicant.
4. The State counsel however opposing the bail application submits that the present applicant on the pretext of marriage is said to have ravished the prosecutrix for a considerable period of time and thereafter he is said to have refused to marry the prosecutrix. Thus,

looking to the nature of offence which is quite serious, he prayed for rejecting the bail application.

5. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the statement of the prosecutrix, the age of the prosecutrix and the period of acquaintance between the present applicant and the prosecutrix, this Court is of the opinion that present is a fit case where the applicant is entitled for benefit of Anticipatory Bail.
6. Accordingly, the application under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and 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