

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 347 of 2018

Deepak Kumar Singh S/o Late Anand Singh Aged About
28 Years R/o- House No. 1914, Housing Board Colony,
Jamul, Ward No. 16, Tahsil & District- Durg, Chhattisgarh.
--- Applicant

Versus

State of Chhattisgarh through- Station House Officer,
Police Station Jamul, District- Durg, Chhattisgarh(District
Magistrate, Durg, Chhattisgarh). --- Respondent

For the applicant : Mr. Rajesh Kumar Sharma, Advocate.
For the State : Mrs. Astha Shukla, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.05.2018

1. Apprehending arrest in connection with Crime No. 575/2017 registered at Police Station Jamul, District Durg (C.G) for the offences punishable under sections 376 & 506 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the victim that in the year 2016, the applicant on the pretext of marriage committed sexual intercourse, thereafter she was taken to Pune wherein she was kept in a rented house where also she was subjected to forcible sexual intercourse and when they came back to Jamul in the year 2017 the applicant refused to marry and also gave threat to kill her.

3. Learned counsel for the applicant would submit that the prosecutrix was major and she herself was in the company of the applicant and stayed with him for a considerable period. He further submits that her statements would show that no offence is made out, therefore, he may be released on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of victim recorded u/ss 161 as also 164 of Cr.P.C.
6. Considering the statements of the prosecutrix and the period for which she was in the company of the applicant, without any further observation on the merits of the case, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the application 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious

trial; and

- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

R a o