

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 521 of 2018

Kumbhkaran Dhruv S/o Ramaulal Dhruv, aged about 29 years, R/o parmanant village & Post- Dharshiv, Thana/Distt.- Baloda Bazar (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through- District Magistrate Durg, In-charge- Police Station- Chhavani, Distt.- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

29/06/2018

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 107/2018 registered at police station –Chhavani, Distt.- Durg (C.G.) for the offence punishable under Section 376 (C) of IPC.
3. As per prosecution story on 12/02/2018, a written complaint was made by the prosecutrix, a lady aged about 24 years, alleging that she had a love relation with the present applicant and the applicant has committed sexual intercourse with her on the pretext of marriage. Thereafter, the applicant denied to perform the marriage. On the basis of said report, the police has registered the offence.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant has not committed any offence and has been falsely implicated in the present case. He further submits that no direct allegation is made against the applicant. Prima-facie no offence under Section 376 of IPC is made out against the present applicant therefore, the applicant may be extended the benefit of anticipatory bail.

5. Learned counsel appearing on behalf of the State opposes the said application.
6. Looking to the above facts and circumstances of the case, particular considering that the incident is of the year 2016-17, the prosecutrix is 24 years major lady and there was love relation between both of them, I am inclined to release the applicant on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
9. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel