

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 538 of 2018**

- Suryodaya Manikpuri S/o Chandra Uday Das Manikpuri, aged about 27 years, caste Panika, R/o village Faradfod, Police Station Devri, Tahsil Dondilohara, District Balod (C.G.), presently residing behind Church, Mararpara Balod, Tahsil and District Balod (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Devri, District Balod (C.G.)

---- Respondent

For Applicant. : Shri T.K. Jha, Advocate.
For Respondent. : Shri Anil Pillei, Dy. A.G.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****03/07/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.32/2018 registered at Police Station, Devri, District Balod (C.G.) for commission of the offence punishable under Sections 376, 506 IPC and Sections 4 & 5(L)/6 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution is that on 07.03.2018 FIR was lodged by the prosecutrix, aged about 21 years, alleging in it that on 11.09.2012 she was first subjected to sexual intercourse by the applicant and thereafter the relationship continued. She has alleged that the applicant was avoiding to marry with her. In the year 2016, the applicant took her to Rajnandgaon

on the assurance that he would arrange job for her and in 2017, he again took her on the same promise. She has further alleged that when she repeatedly asked the applicant to marry her, she was abused and the applicant used to say that he had already spent Rs. 4 Lac upon the prosecutrix for providing her job.

3. Learned counsel for the applicant submits that the applicant and prosecutrix were having affair, there is inordinate delay of about 6 years in lodging the FIR and the said delay has not been explained by the prosecutrix. It has been further argued that taking the version of the prosecutrix as it is, she was first subjected to physical relation by the applicant in the year 2012, which continued in 2016 and 2017 also. The applicant took the prosecutrix along with him and had physical relation with her. Learned counsel also submits that the applicant is Govt. employee and working as Shiksha Karmi & if he is arrested, he would be suspended.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the inordinate delay in lodging the FIR, conduct of the prosecutrix and further considering the fact that the applicant is a Govt. employee, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his

furnishing a personal bond in the sum of Rs.1,00,000/- with one surety for the like sum 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 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/-

(Pritinker Diwaker)
Judge