

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 587 of 2018**

- Ravi Chandra S/o Shri Sant Ram Chandra Aged About 25 Years R/o Gram-Post Tuman, Tahsil Kartala, Korba, Distt. Korba (CG)

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Urga, Distt. Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Respondent**

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| For Applicant  | : | Shri A.D. Shrivastava, Advocate       |
| For Respondent | : | Shri Ravindra Agrawal, Govt. Advocate |

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**Hon'ble Shri Justice Pritinker Diwaker**

**Order On Board**

**03/07/2018**

1. The applicant has preferred this application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.248/17 registered at Police Station Urga, District Janjgir-Champa (CG) for the offence punishable under Section 376 of the IPC.
2. As per the prosecution case, on 28.11.2017 a written report was lodged by the prosecutrix, married lady aged about 24 years, alleging in it that the applicant is having physical relation with her since August, 2014 on the pretext of marriage.
3. Learned counsel for the applicant submits that physical relations between the applicant and the prosecutrix, if any, was consensual and further that considering the age of the prosecutrix, even if the entire prosecution story

is taken to be true, offence under Section 376 of IPC is not made out against the applicant. He further submits that the prosecutrix was already married with one Nawdha in the year 2011 and this fact was suppressed by her and infact it is the applicant who has been cheated by the prosecutrix. He further submits that the prosecutrix was trying to blackmail the applicant and when she could not succeed, she lodged a false report.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Taking into consideration the facts and circumstances of the case, in particular the fact that the physical relations between the two were consensual which continued for a long time, and without further commenting on the merits of case, I am inclined to extend the benefit of protective umbrella under Section 438 of CrPC to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in 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:
  - that the applicant shall make himself available for interrogation before the investigating officer as and when required;
  - that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-  
(Pritinker Diwaker)  
Judge

roshan/-