

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 639 of 2018

- Kamdev Sahu S/o Rajendra Sahu, Aged About 28 Years, R/o Village Junwani, Post Doma, Tehsil & District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station, Tikrapara, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Shri Suresh Tandan, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-08-2018

1. Apprehending arrest in connection with Crime No.158/2018, registered at Police Station – Tikrapara, District Raipur, Chhattisgarh for offence punishable under Section 376 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had love affair, because of which, they were constantly in relationship from 29-06-2017 to 15-04-2018 till the date the FIR was lodged and the FIR has been lodged only for the reason that the applicant has refused to marry the prosecutrix. Hence, it is prayed that applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the first incident which took place on 29-06-2017 was forcible and without willingness and consent of the prosecutrix, hence, no case is made out for grant of anticipatory bail to this applicant.
4. Learned counsel for the objector submits that anticipatory bail should

not be granted to the applicant for the reason that he is pressurizing the complainant, the prosecutrix to withdraw the FIR lodged by her, hence, the application may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. The case against this applicant is this, that the applicant got acquainted with the prosecutrix through face book messenger on social media and thereafter making use of this acquaintance, he had physical relation with her on 29-06-2017 without her willingness and consent. Thereafter, he promised to marry her and continued with this relationship, during which, the prosecutrix became pregnant and on asking of the applicant she agreed to abort the same and the pregnancy was aborted. Later on, when the applicant being bachelor started negotiation for marry with other girl, then the FIR was lodged.

7. After considering on the entire material present in the case diary, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil

and Dataram Singh Vs. State of Uttar Pradesh & Anr., reported in 2018 LawSuit(SC) 84,
2018 (3) SCC 22