

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 649 of 2018

Jawala S/o Bhaiyalal Choudhary Aged About 30 Years
Occupation Labour, R/o Budu Singh Dafai, Ward No.2, Police
Station Jhagrakhand, Tehsil Manendragarh, District : Koriya
(Baikunthpur), Chhattisgarh --- **Petitioner**

Versus

The State of Chhattisgarh through Station House Officer, Police
Station Manendragarh, District : Koriya (Baikunthpur),
Chhattisgarh --- **Respondent**

For the applicant : Mr. Rajkumar Pali Advocate.
For the State : Mrs. Madhunisha Singh, P.L..

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.07.2018

1. Apprehending arrest in connection with Crime No. 132/2018 registered at Police Station Manendragarh, District Koriya (C.G) for the offences punishable u/ss 376(2)(n), 294, 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 prosecutrix that the present applicant for the last 4 years has committed sexual intercourse on the pretext of marriage and one baby girl was born and thereafter, again she became pregnant, however, the applicant denied the relations thereby on false pretext the applicant has committed sexual intercourse by fraud.
3. Learned counsel for the applicant would submit that the prosecutrix has filed application under section 125 of the

Code of Criminal Procedure claiming maintenance as also the applicant has filed a suit before the family Court claiming declaration that the prosecutrix is not legally wedded wife and the child also do not belong to him and the entire allegations are false and belated, therefore, the applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of prosecutrix u/s 164 of Cr.P.C.
6. Considering the lapse of time in between the period and the documents filed along-with the petition which shows that the applicant has filed the suit for declaration that the prosecutrix is not legally wedded wife, I am inclined to allow this bail application.
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**

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