

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 633 of 2018

Raman Sharma, aged about 29 years S/o Shree Prakash Ram Murti Sharma,
R/o House No. 120/A, Ward No. 10 Chilhati, Ambagad Chowki, District-
Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through- Police Station- Arang, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/07/2018

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. 185/2018 registered at police station – Arang, Distt.- Raipur (C.G.) for the offence punishable under Section 376 of IPC.
3. As per prosecution story on 11/04/2018, a written report has been filed by the prosecutrix, a girl aged about 23 years alleging that she met with the applicant 1 year ago and at that time the applicant told her that he is married and having two children. The applicant asked her for giving him notes of class-12, then she went inside his room for giving the notes, where the applicant raped with her. When she told that she will narrate the incident to her mother then the applicant told her that

he is not married person and he will marry with her. Thereafter, the applicant again called her twice at his house and committed sexual intercourse with her. But when the prosecutrix asked the applicant for marriage, then the applicant went away from Arang. On the basis of said report, FIR was registered and the investigation is going on.

4. Learned counsel appearing on behalf of the applicant submits that there is no prima-facie evidence available on record which shows that the applicant was involved in the aforesaid crime. FIR has been lodged after 11 months of the incident which is suspicious. He further submits that the applicant had already raised an apprehension that he will be involved in a criminal case by the prosecutrix and in this regard on 31/07/2017, he had already submitted a report before the police but the police had not taken any action. He further submits that the applicant is reputed person in the society and no case is made out against him, 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. Considering the facts and circumstances of the case and the evidence collected by the prosecution, further considering the fact that the prosecutrix is a major lady aged about 23 years and the report has been lodged after 11 months of the alleged incident, I am inclined to extend the benefit of anticipatory bail to the applicant.
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

in 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

Rahul