

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 682 of 2018

- Jaykishan Anant S/o Sitaram Anant Aged About 28 Years R/o Village Pandariya, Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Mahila Thana, Civil And Revenue District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. B. M. Roy, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.
For Objector : Mr. Ajay Chandra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.22/2018 registered at Police Station- Mahila Thana, Civil & Revenue District – Bilaspur(C.G.), for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The prosecutrix in this case is a major girl and she was a

consenting party for having physical relation with this applicant, hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant is a Police Constable and he has knowingly committed this offence, therefore, he is not entitled for grant of anticipatory bail.
4. Learned counsel for Objector Mr. Ajay Chandra adopting the argument advanced by the counsel for State submits that according to the statement given by the prosecutrix, the applicant is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The case against this applicant is this, that this applicant allured the prosecutrix with a false promise to marry her and thereafter exploited her sexually for almost about 2 years. When the applicant refused to marry the prosecutrix, she has lodged FIR on 25.4.2018.
7. Taking into consideration the facts and circumstances of case, I am of this view that present is a fit case where the applicant can be granted anticipatory bail. Accordingly, the anticipatory bail 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

8. However, since the applicant is a Police Constable it appears that the matter should be dealt on the departmental side as well, for which specific direction is required to be issued. Therefore, the Registry is directed to send a communication to the Superintendent of Police of the District concerned where applicant is posted to take departmental action against the applicant on the basis of FIR lodged against him.

Sd/-
(Rajendra Chandra Singh Samant)
Judge