

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 720 of 2018

- Shashi Kumar Khilari S/o Late Shri Kishan Das Khilari Aged About 58 Years R/o Village Haidalkodo, Post Belargondi, Thana Gaindatola, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Jamul, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

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

26/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.281/2017 registered at Police Station- Jamul, District – Durg(C.G.), for the offence punishable under Section 376, 506 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix is aged about 45 years. Applicant and prosecutrix had physical relation based on consent. Only for the reason, that this applicant has refused to marry with prosecutrix, she lodged false FIR against him.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The case against this applicant is this, that he allured the prosecutrix with false promise to marry her and had physical relation with her for about 2 years and then he refused to marry her FIR has been lodged on 20.5.2017. Hence, this case.
6. Considered on all the material present in the case diary, I am of this view that present is a fit case where the applicant can be granted anticipatory bail.
7. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha