

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 755 of 2018**

Rajesh Kumar Sahu, S/o. Late Ramnarayan Sahu, Aged About 40 Years,
Caste- Teli, R/o- Village Khadgawa, Police Chowki Basdei, Tahsil
Bhaiyathan, District- Surajpur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Surajpur, District-
Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Laxmeen Kashyap, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/08/2018**

1. Apprehending arrest in connection with Crime No.133/2018, registered at Police Station – Surajpur, District – Surajpur (C.G.) for offence punishable under Section 376, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The prosecutrix was major lady of aged about 23 years and the relation of the applicant and the prosecutrix were consensual and totally a false FIR has been lodged in this case. Subsequently, the prosecutrix has realized and she has given an affidavit in favour of the applicant expressing no objection in granting anticipatory bail and she was also present before the Court

below at the time of hearing on application for anticipatory bail, which is reflected in the order sheet of the concerned Court. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that subsequent to lodging of FIR by the prosecutrix, this applicant started harassing and threatening the prosecutrix to withdraw this case regarding which another FIR has been lodged by her on 16.05.2018. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against this applicant is this that the applicant by promising to marry the prosecutrix and by putting her under threat, started to have physical relation with her from 12.02.2017. The prosecutrix became pregnant but the applicant forced her to abort the pregnancy and she did accordingly. Subsequent to that, FIR has been lodged on 13.04.2018. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Perused the certified copy of the order-sheet of order dated 30.05.2018 of the Court below in which it is mentioned that the prosecutrix has appeared before the Court and given affidavit expressing her no objection, this is a development subsequent to the lodging of FIR by her on 16.05.2018. Certified copy of the said affidavit is also attached with this application. Hence, considering

the facts and circumstances of this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge