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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 785 of 2018

Rajeshwar Singh Thakur, S/o. Shri Bihari Singh, Aged About 27 Years, R/o. Village Sadhwani, Police Station Gorella, Tehsil Pendra Road Civil And Revenue District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Of Police Station Gorella, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Aashutosh Shukla, Advocate

For Respondent/State : Mr. Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/08/2018

1. Apprehending arrest in connection with Crime No.108/2018, registered at Police Station – Gorella, District – Bilaspur (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. The prosecutrix is 26 years old and she was a consenting party in relation between her and the applicant. The fact is this that prosecutrix was a married woman and she intended to marry the applicant. Hence, no case is made out against the applicant. Therefore, 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.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

5. The prosecution case in brief is that the applicant made false promise to marry the prosecutrix and by putting her under threat that if she does not submit to his wishes he will commit suicide and had sexual relation with her and forced her to live in a rented house along with him. As the prosecutrix was married to some other person, marriage could not be performed between them. Later on, the prosecutrix got divorce but then the applicant refused to marry her. Thereafter, the FIR has been lodged.

6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.

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

Balram