

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 861 of 2018**

Akhilesh Markandey S/o Shri Dhru Kumar Markandey Aged About 30 Years
 R/o Village Surki P.S. Bemetara Tahsil And District Bemetara Chhattisgarh.
 Current Address - 03, B, Central Avenue, Sector - 6, Bhilai, District Durg
 Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
 Bhilai Nagar District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vipin Tiwari, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 218 of 2018, registered at Police Station – Bhilai Nagar, District – Durg, Chhattisgarh for the offences punishable under Sections 376 and 495 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a major girl aged about 22 years and she has alleged that her relation with the applicant was continuing since 7 years prior to the date of lodging of FIR i.e. 4.5.2018 and it is clear

from the allegation made in the FIR itself that the prosecutrix aggrieved only because the applicant has married to some other girl. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to FIR lodged against the applicant, it is alleged that he established the relation with a promise to marry her and subsequently married to some other girl. Hence, this case.

7. After due consideration of all the material and looking to the fact that the relation between the applicant and the prosecutrix based on consent prior to lodging of FIR. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge