

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 887 of 2018

- Nivesh Singh S/o D. K. Singh, Aged About 27 Years, R/o Artision Block Podi, Police Station Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station - Podi, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Shri Waquar Naiyer, Advocate for the complainant.

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

29-08-2018

1. Apprehending arrest in connection with Crime No.60/2018, registered at Police Station – Podi, District- Korea, Chhattisgarh for offence punishable under Section 376(2)(N) of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is of age about 19 years and she had established physical relation with the applicant with consent. The false FIR has been lodged against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Learned counsel for the complainant after adopting the argument advanced on behalf of the State submits that the applicant had taken undue advantage of the prosecutrix and exploited her sexually and then has refused to marry her. Hence, the application may be rejected.
5. Heard learned counsel for the parties and perused the case diary.
6. The FIR that has been lodged against the applicant narrates that this

applicant on the pretext that he will marry the prosecutrix established physical relation with her for about 8 to 9 months and then he has refused to marry her. Hence, this case.

7. Considering on the entire material present in the case diary, I am of this opinion that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge