

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 966 of 2018**

Jaiky Devdas S/o Shri Sonaram Devdas Aged About 30 Years R/o Madkada,
P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh, District :
Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Kasdol District Baloda Bazar-Bhatapara Chhattisgarh, District :
Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri C.K. Kesharwani, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.09.2018**

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. 329 of 2018, registered at Police Station – Kasdol, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offences punishable under Section 376 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 lady aged about 19 years. According to the contents of the FIR, it clearly appears that the relationship of the applicant and the prosecutrix was based on consent,

hence, no case is made out against the applicant. 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. It is submitted that looking to the statement made by the prosecutrix under Section 161 of the Cr.P.C., no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the FIR, it is alleged that the applicant allured the prosecutrix with a false promise to marry her and had physical relation with the prosecutrix on number of occasions for about two years and ultimately, the applicant refused to marry her. Hence, this case.

7. After due consideration on all the material present in the case-diary and that the prosecutrix is a major lady aged about 19 years, I am of the considered opinion that the applicant deserves to be released on 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