HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 241 of 2017

- Dr. Gunjlal Kanwar (Rathiya)son of late Charan Singh Kanwar, aged about 52 years, resident of Sonpuri, Post- Balco, Tahsil & District- Korba (C.G.).

---- Applicant

Versus

State of Chhattisgarh: Through- the Station House Officer, Police Station- Kartala, Diswtrict- Korba (Chhattisgarh).

---- Non-applicant

For Applicant :Mr. Avinash Chand Sahu, Advocate.
For the State :Mr. Vivek Singhal, P. L.

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

04/04/2018

1. Heard.

2. The applicant has preferred this anticipatory bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with crime No.10/2017 registered at Police Station Kartala, District- Korba (Chhattisgarh) for the offences punishable under Section 376 of the Indian Penal Code.

3. Learned counsel for applicant submits, that applicant has been falsely implicated in this case that the prosecutrix is the major lady aged about 26 years and she had been a consenting party all through. Only for this reason, false report has been lodged against the applicant that he had refused to marry with the prosecutrix. No case is made out against the applicant on the basis of material present in the charge-sheet. Hence, it is prayed that applicant be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.

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

6. According to the prosecution case, FIR was lodged by the prosecutrix that applicant was exploited her for about 7 long years and ultimately he refused to marry her, hence the FIR has been lodged.

7. Considered on the submissions and the contents of the case diary and the material available on record, I am of the considered view that the applicant should be benefited for 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 them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita