

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1050 of 2018

- Yogesh Kumar Chandra S/o S/o Bhagvat Prasad Chandra Aged About 28 Years R/o Village Boirdih P. S. Jaijaipur, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mujgahan (Sejbahar) Raipur., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Harshwardhan Jaiswal, Advocate.
For Respondent	:	Mrs. Madhunisha Singh, Panel Lawyer.
For Objector	:	Mr. Ravi Maheshwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.110/2018 registered at Police Station- Mujgahan(Sejbahar), District – Raipur(C.G.), for the offence punishable under Section 376 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. It is a fact that the prosecutrix is a major lady of age 23 years and she had been a consenting party through out in the relation between her and the

applicant, hence, no case is made out as registered against the applicant. The applicant is a Platoon Commander of STF (Special Task Force), his carrier will be jeopardized if he arrested and placed in detention. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that there is clear evidence of the prosecutrix against the applicant. Hence, the application be rejected.
4. Adopting the arguments advanced by learned State Counsel, it is submitted by counsel for Objector that because of the offence committed by the applicant, the prosecutrix became pregnant in the year 2017, but because of the promise made by the applicant, that he will marry her, she got her pregnancy aborted on 25.8.2017. Subsequent to that the applicant has again refused marrying her. The FIR of the prosecutrix was not being lodged by the concerned police-station, because of which the prosecutrix had to approach the office of DGP (Director General of Police) and subsequent to that the FIR was lodged, which shows that applicant is an influential and person he will misuse his liberty if granted anticipatory bail. Hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to the case against the applicant, some years prior lodging of FIR on 3.8.2018, the applicant and prosecutrix got acquainted with each other, then they indulged in physical relation. The prosecutrix submitted to him for the reason that the applicant had promised to marry her. After continuation of this relation for some time, it is alleged

that this applicant has refused to marry her. Hence, the FIR has been lodged.

7. After due consideration on the nature of the allegation and the material present in the case diary, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.

8. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the sum of Rs.25,000/- each 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge