

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1064 of 2018

- Saket Sharma S/o Shri Hiramani Sharma, Aged About 31 Years, R/o Gokulpur Ward, Near Laxmi Niwas, Dhamtari, District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Mahila Police Thana, AJAK, IUCAW, District Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-10-2018

1. Apprehending arrest in connection with Crime No.0329/2018, registered at Police Station – Police Thana Kanker, Chhattisgarh for offence punishable under Section 376 of the IPC & 3, 4 of SC & ST (Prevention of Atrocities) Act, 1989, 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 aged about 31 years. The applicant and the prosecutrix had in affair since 2015, in which, both had physical relation which was based on consent. Because of subsequent dispute between both of them the prosecutrix has lodged the FIR making totally false allegation against this applicant. The applicant is officer in State Bank of India and his career will be jeopardised if he is arrested and placed in detention. 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 submitting that looking to the statement given by the prosecutrix the applicant is not entitled for grant of anticipatory bail..
4. Heard learned counsel for the parties and perused the case diary.

5. The prosecutrix has filed a written complaint on 02-05-2018 alleging in which that the applicant proposed to marry her and when the prosecutrix had some doubt, by conversation the applicant convinced her and thereafter both had relationship for some time in which they also established physical relation. After passing of some years the applicant started abusing and quarreling with the prosecutrix and ultimately he has refused to marry the prosecutrix. Hence, the FIR has been lodged.

6. After considering on the entire material present in the case diary, I am of this opinion that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge