

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1134 of 2018

- Ashish Jharia S/o Shri Komal Prasad Jharia, Aged About 28 Years, Sub-Inspector (Radio) Dial 100(Training) Bhadbhda Road, Wireless Office, Bhopal M. P., District : Bhopal, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, G. R. P. Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Meena Shastri, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-09-2018

1. Apprehending arrest in connection with Crime No.207/2018, registered at Police Station – G. R. P. Raipur Chhattisgarh for offence punishable under Section 376 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 37 years and she had been consenting party in her relation with the applicant. In fact, the applicant got acquainted with the prosecutrix in the year 2015, through social media and their acquaintance continued. Subsequently they also had physical relation which was based on consent. A totally false FIR has been lodged belatedly on 13-07-2018. The applicant himself is a public servant working as Sub-Inspector in Bhopal, M.P. 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 evidence present in the case diary, the applicant is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. As alleged, in the intervening period of 3-02-2017 to 07-05-2017 this applicant allured the prosecutrix of age about 37 years with a promise to marry her and then exploited her sexually on number of occasions, regarding which, the FIR has been lodged by the prosecutrix after passing of about more than one year.

6. After considering on the entire material present in the case diary and also considering the fact that age of the prosecutrix was 37 years at the period of incident, I feel inclined to allow this application.

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