

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1143 of 2018

- Amit Dahriya S/o Late Kunwar Sai Dahriya, Aged About 20 Years, R/o Dhelwadih Colony, Q.No. 212, Post & Police Station - Katghora, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - District Magistrate / Station House Officer, Police Station - Katghora, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, 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.275/2018, registered at Police Station – Katghora, District - Korba, Chhattisgarh for offence punishable under Section 376, 506 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 age of the prosecutrix is about 23 years. As alleged in this case the applicant and the prosecutrix had relationship for about two years from 05-08-2016, which shows that they had consensual relationship. Subsequently, the prosecutrix has lodged the false FIR against this applicant. 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.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the case against this applicant, the applicant raped the prosecutrix on 05-08-2016 and thereafter, he continued to exploit her sexually for about two years and when the prosecutrix became pregnant the applicant

forced her to abort the pregnancy. Subsequently, the applicant had refused to marry the prosecutrix, because of which, the FIR has been lodged in this case.

6. After due consideration on the material present in the case diary, 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