

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1199 of 2018

- Shrinivas Paul S/o Shri Narayan Chandra Paul Aged About 40 Years
Caste-Kumhar, R/o Village Aadawal, Tahsil Jagdalpur, District
Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. City Kotwali Jagdalpur, District
Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

For Respondent/State : Mr. N.K. Mehta, Panel Lawyer.

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

05/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.254/2018 registered at Police Station-City Kotwali, District – Bastar(C.G.), for the offence punishable under Sections 376, 506 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The story as narrated by the prosecutrix appears to be highly improbable. The alleged incident has taken place about 6 years prior to the date of FIR i.e. 20.9.2012. The fact is this that the prosecutrix herself has unauthorisedly used name of this applicant in ration card, voter ID card and other papers by

showing him as her husband, regarding which the applicant had been complaining since the year 2015 and documents showing the said fact are also annexed with this application as Annexure A-2, A-3 & A-4. Thus, it is clear that the whole story has been concocted. No case is made out against the applicant, therefore, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that prosecutrix herself has complained that the applicant has unauthorizedly used her name by getting his name entered in ration card etc. as her husband whereas she is not married to him and she had always been kept in threat by the applicant, hence, no case is made out for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. Prosecutrix has lodged a written complaint based on which FIR has been registered on 20.7.2018. It is alleged that the prosecutrix got acquainted with applicant on 20.9.2012 and at that time applicant had taken the prosecutrix to a lonely place i.e. jungle, and there committed forcible sexual intercourse with her and thereafter he exploited her sexually on number of occasions. He also got recorded his name in the ration card and other papers of the prosecutrix as her husband and started blackmailing the prosecutrix for payment. Hence, this case.
6. Considering the fact that complainant has come forward after passing of almost 6 years and during this period no complaint whatsoever has been made by the prosecutrix. The complainant and applicant both are alleging misuse of name by each other. Hence, it appears to be a peculiar case and the further investigation in the matter will reveal the facts with clarity. However, for the present, I am of this view that this

is a fit case where applicant should be released on anticipatory bail .

7. 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 him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge