

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 636 of 2017**

- Goldi Bhargav S/o Mandas Bhargav, Aged About 28 Years, R/o Sagardeep Uslapur, P.S. Chakarbhatha, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur, Chhattisgarh

----Non-applicant

For Applicant : Shri Arvind Dubey, Advocate.
 For Non-applicant/State : Shri Ashok Swarnkar, Panel Lawyer.
 Shri Pravin Kumar Tulsyan, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/01/2018**

1. Apprehending arrest in connection with Crime No.431/2017, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 376, 294, 323, 506 of the IPC, applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant and the prosecutrix developed love affair and started having physical relationship since 15-10-2016 and both of them have lived together in a rented house for some time as husband and wife. It is further submitted that the prosecutrix is of 22 years and a married woman, although the applicant had promised to marry her,

but the said marriage was not possible to be performed as the prosecutrix had not obtained decree of divorce from any competent Court. As the prosecutrix was insisting to marry her and the applicant was resisting for the reason that the prosecutrix is not divorced, this false complaint has been lodged against the applicant. The applicant is a Nagar Sainik in Home Guard, he is ready to abide by all the conditions imposed on grant of bail. No case is made out on the basis of the complaint made by the complainant in this case. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made in this respect. It is submitted that as per the statement of the prosecutrix, the applicant had fraudulently convinced her that he is unmarried and he has initiated the proceeding for performing marriage with the prosecutrix. On making query about the proceeding for marriage, a dispute arose between them and the applicant abused and thrashed the prosecutrix. Hence, looking to these facts of the case, the applicant is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are these that the applicant and the prosecutrix had developed relationship between them and the prosecutrix intended to perform marriage with the applicant and the applicant kept on stalling the marriage and then he left her in April, 2017, because of which the FIR has been lodged against him.

6. Considering on the submissions made and contents of the case diary. The prosecutrix in this case is a married woman undisputedly and it is also undisputed that the applicant and the prosecutrix had relationship between them and lived as husband and wife for some time and on occurrence of some dispute between them, the FIR against the applicant has been lodged. Taking into consideration overall facts and situation of this case, I am of this view 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

Aadil