

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1216 of 2018**

Ravi Gayakwad, S/o. Rajkumar Gayakwad, Aged About 32 Years, R/o. Behind FCI Godown, Maharani Ward No. 14, Jagdalpur, District Bastar, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bodhghat, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Madhunisha Singh, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/10/2018**

1. Apprehending arrest in connection with Crime No.282/2018, registered at Police Station – Bodhghat, Jagdalpur, District – Bastar (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. It is submitted that according to the contents of the FIR, it is clear that the applicant and the prosecutrix both had love affair between them and the prosecutrix being of age about 20 years has submitted to the applicant willingly and the only reason for lodging FIR is this

that the applicant has refused to marry the prosecutrix. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the case against the applicant, the applicant and the prosecutrix got acquainted one year prior to the date of lodging of FIR and started meeting with each other. On one occasion, when the prosecutrix was alone in her house, the applicant came to stay with her and then forcefully physical relation was made with her despite her objection stating that he will marry her. This relation continued for some more time and ultimately the applicant refused to marry the prosecutrix, hence, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the aspects of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram