

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1234 of 2018**

Pradeep Kumar Arya, S/o. Shri N. R. Arya, Aged About 38 Years, R/o. 27,
Kholi Indrasen Nagar, Thana Civil Lines, Distt. Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Police Station
Distt. Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/10/2018**

1. Apprehending arrest in connection with Crime No.49/2018, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur (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 the prosecutrix herself is age of 39 years and she was a consenting party through out in the physical relation that has taken place between them. The fact is this that the applicant and the prosecutrix both have purchased a flat regarding which an agreement was entered between both of them. Copy of that agreement is also attached with this application. The applicant had

lend some money to the complainant for that purchase and when he asked for repayment to the complainant, she has lodged false FIR against her. Hence, no case is made out against the applicant. Hence, it is prayed that 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. It is submitted that there is evidence present in the case diary showing that the applicant has exploited the prosecutrix on number of occasions, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that the applicant and the prosecutrix both were selected as Sub-Inspector Police in the year 2012 and were taking training in the police academy. It is alleged that the applicant indulged in increasing the intimacy with the prosecutrix and also proposed to marry her but the prosecutrix refused to do so. Subsequently, the applicant succeeded in getting the submission of the prosecutrix on compulsion for physical relation, he has thus exploited the prosecutrix physically on number of occasions. FIR has been lodged on 07.09.2018 after about 6 years from the date of sexual exploitation started.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and considering this fact that though the applicant had proposed for marriage, but the prosecutrix herself has refused, even then relation between both of them continued for about six

years. Hence for this reason, 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