

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1343 of 2018

- Yogendra Tripathi S/o Shri Shambhunath Tiwari Aged About 26 Years, R/o Gambhirapur, Police Station- Lalganj, Tahsil- Lalganj, District- Mirzapur, Uttar Pradesh., District : Mirzapur, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Chhawani, District- Durg, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Akhil Mishra and Shri Sushil Dubey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-10-2018

1. Apprehending arrest in connection with Crime No.529/2018, registered at Police Station – Chhawani, District- Durg, Chhattisgarh for offence punishable under Section 376 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. No case is made out against this applicant. The prosecutrix is 32 years old lady and she has a child of 6 years and she is already married to somebody else and living separately. The relation of the applicant and the prosecutrix was based on consent which has continued since 1½ years. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the statement given by the prosecutrix, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. In the FIR lodged by the prosecutrix it is alleged that this applicant allured the prosecutrix with promise to marry her and then established physical relation and thus exploited her on a number of occasions. When she became

pregnant, the applicant refused to marry her. It is alleged that some family members of the applicant came to assault and beat the prosecutrix, because of which, her pregnancy was aborted. Hence, this case.

6. Considered on the entire material present in the case diary. The prosecutrix herself is a married woman and the applicant himself is also a married man, despite that they had established relation with each other. Hence, after due consideration, on the evidence that is present in the case, I am of this opinion 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