

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1314 of 2018**

- Govind Shukla S/o M. P. Shukla, Aged About 30 Years, R/o House No. D-281, BDA Colony, Yadunandan Nagar, Police Station- Tifra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- AJAK Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri N. Naha Roy, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**01-11-2018**

1. Apprehending arrest in connection with Crime No.07/2018, registered at Police Station –AJAK Bilaspur, District- Bilaspur, Chhattisgarh for offence punishable under Section 376 of the IPC and Section 3(1)(b)(i)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is a major lady and she had been a consenting party throughout. According to the story in the FIR itself it is clear that the applicant and the prosecutrix had long relationship for about three years, hence, no case of rape is made out. 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 the applicant had obtained submission of the prosecutrix for physical relation by deceit, by making false promise to marry her which he never fulfilled. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR was lodged by the prosecutrix on 07-08-2018 stating that she is

a member of Scheduled Castes, the applicant had allured her with promise to marry and since the year 2015 had established physical relation with her on a number of occasions. When the prosecutrix became pregnant the applicant by force and deceit got her pregnancy aborted and continued his relation, thereafter, later on the prosecutrix came to know that the applicant is having relation with some other woman and also he has married her. Hence, this case.

6. After considering the evidence present in the case diary in totality, I am of this opinion that this 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**