

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1277 of 2018**

Antim Rajput, S/o. Shri Raju Singh Rajput, Aged About 22 Years, R/o F-6, Behind Nagar, Nigam Water Tank, Padmanabhpur, Durg Chowki Padmanabhpur, Durg Police Station Tahsil And District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.
For Objector	: Mr. Prasoon Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/11/2018**

1. Apprehending arrest in connection with Crime No.692/2018, registered at Police Station – Durg Kotwali, District – Durg (C.G.) for offence punishable under Section 376 of the Indian Penal Code and Section 5 and 6 (घ) of the Protection of Children from Sexual Offences Act, 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. According to the version of the prosecutrix herself, the offence was committed on 02.10.2014, when this applicant himself was a juvenile. Later on

this applicant and prosecutrix had physical relation on number of occasions. Prosecutrix became major in the month of October, 2017 and still the physical relation continued. The dispute arose when on 22.08.2018, the applicant went to have relation with the prosecutrix and she refused and the FIR has been lodged on the same day. Hence, it is clear that the prosecutrix was a consenting party throughout even after she became major. 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. It is submitted that looking to the statement given and the allegation made by the prosecutrix, no case is made out for grant of anticipatory bail.
4. Counsel for the objector after adopting the arguments advanced by the learned counsel for the State submits that the delay has been sufficiently explained as the prosecutrix lives only with her mother and she was put under threat by the applicant because of which, she could not come out and lodge FIR against the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The case against the applicant is this that in the year 2014, the applicant took the prosecutrix to his house and established physical relation with her. On subsequent dates, the applicant again had physical relation with the prosecutrix on number of occasions and continued to do so. It is alleged that on 22.08.2018, the applicant came to the prosecutrix asking to have physical relation with her, to which the prosecutrix refused because of which the applicant took

out a knife and threatened her and thereafter FIR has been lodged on the same day.

7. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary and looking to the length of the relation of the applicant and prosecutrix and that the lodging of FIR has taken place after the applicant has threatened the prosecutrix on the last date of incident and presently the prosecutrix is of age above 19 years, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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