

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1284 of 2018

- Amit Moitra S/o V.N.Moitra Aged About 42 Years R/o Quarter No. 1/3h In Front Of District Forest Office Ware House Road Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station-Ganj Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mrs. Fouzia Mirza, Advocate.
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.243/2018 registered at Police Station-Ganj, District – Raipur(C.G.), for the offence punishable under Sections 376 & 506 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The prosecutrix is a married lady aged about 35 years. The applicant and the prosecutrix both are related to each other. Some intimacy was developed between the

applicant and prosecutrix as a result which the physical relation had been developed between them. On account of some disclosure of this incident, false FIR has been lodged by the prosecutrix against this applicant. No case is made out against the applicant. Hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence available in the case diary, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The prosecutrix lodged FIR, that the applicant had approached her in the year 2017 by making phone call and messages stating that he liked her and he would marry her after taking divorce from his wife. Subsequently, the applicant called her to a hotel and by performing fake marriage developed physical relation with her on number of occasions. It is alleged that when the prosecutrix started objecting to this relation the applicant threatened her, therefore, she lodged a written complaint on 31.8.2018 on the basis of which FIR has been registered in this case.
6. The applicant and the prosecutrix had physical relations on number of occasions is a fact according to the evidence in the case diary, and prosecutrix is a married woman. Hence, after taking into consideration in all the facts and circumstances of the case, I am of this opinion that applicant is entitled for grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha