

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1303 of 2018

- Satya Prakash Paikra S/o Umeshwar Singh Paikra Aged About 27 Years Occupation Service R/o Village Rajni Post Baijnathpur Bhaiyathan Surajpur Presently Address T.V. Tower Raigarh, District Raigarh Chhattisgarh Mobile No. 9301933777, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Pusour, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent/State : Mr. V.B. Singh, 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.195/2018 registered at Police Station-Pusour, District – Raigarh(C.G.), for the offence punishable under Section 376(2)(च) of the Indian Penal Code.
2. Learned counsel for applicant submit that applicant is innocent and has been falsely implicated in this case. The prosecutrix is 29 years old major woman and she is also employed in the same department where the applicant is employee. Applicant and the prosecutrix had an affair

between 15.2.2013 to 15.4.2017 during which they also had physical relation which was based totally on consent. Subsequently because of some dispute the prosecutrix has lodged totally false FIR against this applicant, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. The prosecutrix has alleged that the applicant by alluring with promise to marry her establish physical relation with her and was consistent with this relationship for about 3 years. Subsequent to which, the applicant has stopped meeting her and has refused to marry her. Hence, this case.
6. Considering this fact that prosecutrix is a 29 years old lady and she and the applicant had consistent relationship for some time, hence, looking to the nature and circumstances of this case, I am of this view that this is a fit case where applicant should be released on 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 themselves 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