

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1344 of 2018**

Chandan Singh, S/o. Kabal Singh, Aged About 27 Years, R/o. Harsha Dabbar, Tahsil Bisnah, Police Station Bisnah, District Jammu, Jammu-Kashmir.

----Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Kabir Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Harshwardhan Jaiswal, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.
For Objector	: Ms. Aditi Singhvi, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/10/2018**

1. Apprehending arrest in connection with Crime No.171/2018, registered at Police Station – Kabir Nagar, Raipur, District – Raipur (C.G.) for offence punishable under Section 376 (2) (C) of the Indian Penal Code, 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. It is submitted that the prosecutrix is 27 years old major lady and this applicant had physical relation with her, which was based on consent. This applicant never promised to the prosecutrix to marry her. FIR has been lodged after sufficient delay of more than 18 months. 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.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the State submits that the applicant and the prosecutrix were acquainted with each other for about more than five years and then the applicant has made intimacy towards the prosecutrix to establish the physical relation with her. The prosecutrix is in possession of the recording of the conversation, in which the applicant had admitted that he has obtained her consent by deceit. Hence, it is prayed that the applicant may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As the allegation is that the applicant and the prosecutrix were previously acquainted with each other. It is alleged that between 01.02.2017 to 18.05.2018, the applicant and the prosecutrix had physical relation on numerous occasion and the prosecutrix submitted to him because the applicant had promised to marry her. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After considering on the evidence in the case diary and specifically the statement of the prosecutrix recorded under Section 164 of Cr.P.C., 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, she 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