

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 969 of 2017**

Lalit Kerketta S/o Shri Nestur Kerketta Aged About 39 Years R/o Maharpara, Bemetara, Police Station Bemetara District Bemetara Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Amiyakant Tiwari, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 625 of 2017, registered at Police Station – Durg, District – Durg, Chhattisgarh for the offence punishable under Sections 493 and 376 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant and the prosecutrix both are constables in the police department. The husband of the prosecutrix died on 27.5.2010 and thereafter, the applicant and the

prosecutrix developed a relationship between them in which the prosecutrix has submitted herself for physical relationship. On 11.12.2016, the prosecutrix demanded the applicant to marry her. When the applicant refused to marry, firstly the complaint was filed before the Superintendent of Police and thereafter, the FIR was lodged on 5.9.2017. On the basis of the material on record, no case is made out against the applicant. Hence, it is prayed that the applicant be entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix has given statement that she was forcefully raped by this applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that on the pretext of marrying the prosecutrix he has deceitfully obtained consent for having sexual intercourse with her and after having relationship for a long time he finally refused to marry her. Hence, this case.

7. Considering the submissions and the contents of the case diary, and taking into consideration the fact that the prosecutrix is a major working lady and a dispute has arisen after a long relationship with the applicant, I am of the considered view that the applicant deserves to be released on anticipatory bail.

8. 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 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge