

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1318 of 2018**

- Pramod Kumar Yadav S/o Shri Tuleshwar Yadav, Aged About 24 Years, Occupation- Rojgar Sahayak(Contract), R/o Village And Post- Kunmera, Thana- Seetapur, Tahsil - Seetapur, Civil And Revenue District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Seetapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

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

**Order on Board**

**01-12-2018**

1. Apprehending arrest in connection with Crime No.135/2018, registered at Police Station – Seetapur, District- Surguja, Chhattisgarh for offence punishable under Section 452, 376, 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The age of the prosecutrix is 27 years and she was a consenting party as the applicant and the prosecutrix both were having illicit relation between them since sometime. When the applicant was caught red-handed with the prosecutrix on 30-08-2018 a meeting was held on 31-08-2018, in which, the prosecutrix admitted that she was having illicit relation with this applicant, but her husband drove her out of his house, then later on, the false FIR was lodged on 15-09-2018. The case of the applicant finds support by the agreement between the prosecutrix and her husband dated 03-09-2018 in which both of them agreed to dissolve the marriage for the very reason that is mentioned hereinabove. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that according to the contents of the FIR, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The prosecutrix has lodged the FIR alleging that on the date of incident when she was sleeping in her house the applicant forced his entry and then committed the offence of rape with her.

6. Considered on the entire material present in the case diary and also considered on the report regarding the agreement dated 03-09-2018 which has been given in affirmative, hence, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge