

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1360 of 2018

- Siddarthdas Vaishnav S/o Shashankdas Vaishnav, Aged About 19 Years, R/o Shanti Nagar, Rajnandgaon, Ward No.- 30, Police Station- Kotwali, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through In- Charge, Police Station- Kotwali, Rajnandgaon, District- Rajnandgaon, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Anand Shukla, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. Apprehending arrest in connection with Crime No.459/2018, registered at Police Station – Kotwali, Rajnandgaon, Chhattisgarh for offence punishable under Section 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 prosecutrix is a major lady of aged about more than 21 years. The applicant and the prosecutrix had acquaintance and that developed into live-in relationship, regarding which an agreement was also executed between them on 27-12-2017, which is attached as annexure with this application. The fact is this, that the prosecutrix had started blackmailing the applicant and his parents and on not succeeding in the same she has lodged the false FIR against this applicant making false allegations which are totally baseless. The applicant himself is 19 years of age at this stage. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

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

submitting that the prosecutrix has made serious allegations in the written complaint given by her and in the statement recorded by her under Section 161 and 164 of the Cr.P.C. Hence, no case is made out for grant of anticipatory bail.

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

5. It has been alleged by the prosecutrix that on the pretext of performing marriage in future this applicant established physical relation with her on number of occasions and finally he has refused to marry the prosecutrix. Hence, this case.

6. Considered on the entire material present in the case diary and also perused the documents attached with the application including copy of the agreement dated 27-12-2017 mentioning about the live-in relationship. After considering that the prosecutrix is a major lady and she entered into a relationship with the applicant which could not go on well, 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

Aadil