

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1103 of 2017

- Diwakar Kumar Soni S/o Dubraj Soni, Aged About 29 Years Caste Satnami, R/o Chote Sipat, Thana And Tahsil Malkharoda, District Janjgir-Champa, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Malkharoda, District Janjgir-Champa, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/02/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.221/2017 registered at Police Station- Malkharoda, District – Janjgir Champa(C.G.), for the offence punishable under Section 376 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the prosecutrix is presently aged about 26 years and she has alleged that applicant on the pretext of marriage had exploited her sexually since 2011 and thereafter refused to marry her. Because of which a false complaint was made on 6.11.2017 by the prosecutrix. No case is made out against this applicant on the basis of the material on record

of the case. Applicant is a Constable in 10th Battalion of CRPF and he is willing to abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions. It is submitted that prosecutrix has made a clear and categorical allegation against the applicant that he has obtained her consent by deceit and exploited her sexually. Hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As the case is, prosecutrix has made a written complaint alleging that since 2011 this applicant allured her and exploited her sexually for years together by giving false promise of marriage. Later on, applicant got engaged to some other girl on 15.5.2017. Prosecutrix called a meeting of the society in which the elder members of the society decided in favor of the prosecutrix but applicant paid no heed to the same, therefore, a complaint was lodged.
6. Considered.
7. Taking into consideration all the facts and circumstances of this case it appears that the prosecutrix had been a major woman all along the time when the alleged incident has taken place and the dispute arose between them only when the applicant refused to marry her. Hence, I am of this opinion, that this is a fit case where applicant should be enlarged 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 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 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge