

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1117 of 2017**

Vivek Ekka, S/o. Shri Prakash Ekka, Aged About 31 Years, Occupation -Agriculturist, R/o. Village Kunjara (Koranga) Police Station & Tahsil Kunkuri, District Jashpur Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Vivek Kumar Pandey, Advocate       |
| For Respondent/State | : Mr. Vijay Bahadur Singh, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****01/03/2018**

1. Apprehending arrest in connection with Crime No.156/2017, registered at Police Station – Kunkuri, District – Jashpur (C.G.) for offence punishable under Section 376 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. The marriage of the applicant and the prosecutrix was fixed and was to be solemnized on 23.10.2017 but because of some dispute, applicant refused to marry the prosecutrix, only because of that, she has lodged false FIR against this applicant, which is belated and

concocted. It is submitted that the applicant is disabled person and he has been suffered 70% of disability as per the certificate issued by the District Medical Board, Jashpur (Annexure A/3). Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecutrix has lodged FIR alleging that prior to the fixing of marriage, the applicant on the pretext of marrying her committed sexual intercourse against her will. Subsequently, on the fixed date of marriage, the applicant refused to marry her. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering the nature of offence committed and the facts presents in the case diary and after over all consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

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

Balram