

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1157 of 2017

Samir Giri, S/o Mohan Giri Goswami, aged about 30 years, R/o Village- Madeli, Chowki- Birejhar, Police Station- Kurud, Distt. Dhamtari (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police Chowki, Birejhar, Police Station- Kurud, Distt. Dhamtari (C.G.).

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL
For Objector	:	Mr. Pradeep Singh

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/03/2018

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.484/2017 registered at police Chowki, Birejhar, Distt. Dhamtari (C.G.) for the offence punishable under Sections 376, 417 and 506 of IPC.
3. It is alleged that the applicant, on the pretext of marriage, took the prosecutrix with him and committed sexual intercourse with her. The matter was reported by the husband of the prosecutrix, Gajendra Kumar Sahu. On the basis of said report, the police has registered the above offence.
4. Learned counsel appearing on behalf of the applicant submits that the prosecutrix is aged about 30 years, a married lady and

having relationship with the applicant for the last 9 years. Family members of both (applicant and prosecutrix) are well aware of their relationship. Even the children of the prosecutrix is also aware of their relationship. She further submits that the prosecutrix herself had left the house of her husband as she in her statement recorded before Executive Magistrate and another statement recorded by the police on 13/07/2017, has categorically stated and admitted that she herself had left the house of her husband.

5. On the other hand, learned counsel appearing on behalf of the State has opposed the bail application.
6. Considering the facts and circumstances of the case, particularly, considering that the prosecutrix is a major married lady, aged about 30 years and she in her statement has admitted that she herself had left the house of her husband, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, MCRCA No. 1157/2017 is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
iv. 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.

9. Certified copy, as per rules.

Sd/-

Judge
Arvind Singh Chandel

Rahul