

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1441 of 2018

- Komal Soni S/o Shri Lakhanlal Soni aged about 27 Years R/o Gram Ward No. 16, Link Road Janjgir P. S. Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.
For Objector : Mr. Arvind Dubey, Objector.

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

16/11/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.536/2018 registered at Police Station- Janjgir, District – Janjgir-Champa(C.G.), for the offence punishable under Section 376 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Prosecutrix is a 29 years old married woman having 2 children. The applicant and the prosecutrix both had love affair, because of some dispute she has lodged a total

false FIR against this applicant, which is without any substance, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the statement of prosecutrix under Section 161 and 164 of CrPC, no case is made out for grant of anticipatory bail.
4. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect. It is submitted that the applicant is threatening and creating pressure on the complainant/prosecutrix to withdraw her FIR regarding which complaint has been made to the police, hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged, it is alleged that about 3 years prior to the date of lodging of FIR on 24.9.2018, the applicant established physical relation with the prosecutrix on number of occasions by assuring her, that he will marry her and thus he exploited her. Hence, this case.
7. Considered on this fact that the prosecutrix herself is a married woman and she has stated about the love affair with applicant. After due consideration, I am of this view that this is a fit case where the 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 applicants 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