

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1414 of 2018

- Chandrashekhar Azad S/o Maohbi Lal Aged About 32 Years R/o Babu Nagar, Zone-2, Bhilai, Police Station- Khursipur, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. K. Rohan along with Mr. Anmol Sharma,
Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

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

03/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.847/2018 registered at Police Station-Supela, District – Durg(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. It is submitted that the prosecutrix is 32 years old grown-up lady and she has made totally false allegations. As the relations between the applicant and complainant & her father were cordial, the applicant had given Rs.2

lakh on credit to the father of complainant and to avoid repayment of said amount, the complainant has lodged this false report against the applicant. He further submits that the complainant is in one-sided love with the applicant and she had also asked the wife of applicant to give divorce to applicant so that she can marry the applicant. The complainant has also filed a complaint before the police but no action has been taken on the same as the complainant and her witnesses have made statement contrary to each other. Even otherwise, the dispute between the parties is regarding some cash transaction, 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 considering the contents of written complaint made by the prosecutrix and her statements recorded under Section 161 & 164 of CrPC wherein she has made direct allegation against the applicant, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the case against the applicant, it is alleged that this applicant allured the prosecutrix with false promise of marriage and thereafter established physical relation with her on number of occasions and thereby sexually exploited her, whereas the applicant himself was a married man as it was in the knowledge of the prosecutrix. Hence, this case.
6. Considered on the material present in the case diary, and also the report relied upon by the applicant, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. 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