

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1425 of 2018**

Vinay Manikpuri, S/o. Fandidas Manikpuri, aged about 22 years, Caste-Panka, R/o. Ward No.01, Virendra Nagar, Post Saraipali, Thana and Tahsil – Saraipali, District – Mahasamund (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station – Saraipali, District - Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Rajput, Advocate
For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2018**

1. Apprehending arrest in connection with Crime No.358/2018, registered at Police Station – Saraipali, District – Mahasamund (C.G.) for offence punishable under Section 376, 493 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 and totally a false FIR has been lodged against this applicant. The fact is this that the prosecutrix is major lady of age more than 22 years and the applicant and the prosecutrix both had relationship for about 3 years. The marriage proposal was also being considered by the

family members of the applicant and the prosecutrix, but because of the conduct and behavior of the prosecutrix, the family members of the applicant has refused to solemnize this marriage because of which, false allegation is being made by the prosecutrix. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the FIR lodged, this applicant on the pretext of marrying the prosecutrix in near future has by deceit made physical relation, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR Lodged by the prosecutrix, the applicant allured her with false promise to marry and then established physical relation with her on number of occasions and then ultimately refused to marry her.
6. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary and also taking into consideration the facts and circumstances of the case and also for the reason that the prosecutrix is adult and there had been consistent relationship for about 3 years, 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