

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1494 of 2018

- Juber Alam S/o Reyazuddin, Aged About 30 Years, Caste Musalman, R/o Village Basua, Police Station Gumla Jharkhand, Present R/o Village Jokbahla Police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Narayanpur, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri V.K. Pandey, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-12-2018

1. Apprehending arrest in connection with Crime No.42/17, registered at Police Station – Narayanpur, District Jashpur, Chhattisgarh for offence punishable under Section 313 & 376/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a major lady of 21 years. The applicant and the prosecutrix both had affair since 05-01-2016 till 08-4-2017. Their relation was based on consent. According to the allegation, this applicant has broken the promise to marry the prosecutrix which cannot be regarded as offence. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the statement given by the prosecutrix and the investigation made, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that the applicant got intimated with the prosecutrix and then by inducing her that he will marry her, later on, he obtained her submission and had physical relation with her on number of occasions. The prosecutrix got

pregnant and under pressure given by the applicant she was compelled to get her pregnancy aborted. Later on, the applicant went in absconding, because of which, the promise to marry the prosecutrix could not be performed. Hence, this case.

6. Considered on the entire material present in the case diary in entirety. The age of the prosecutrix is about 18 years and the relation between the applicant and the prosecutrix had continued for some time which is broken only for the reason that the applicant refused to marry the prosecutrix. Hence, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge