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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1458 of 2018**

Anuradha Painkra D/o Badan Singh Painkra Aged About 23 Years R/o Village- Gangakhurd, Police Station And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Mahila Police Thana, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1467 Of 2018**

Arvind Kumar Painkra S/o Badan Singh Painkra Aged About 26 Years R/o Village Gangakhurd, Police Station And Tahsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Mahila Thana Police Station Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Anurag Singh, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.11.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.17 of 2018 registered at Police Station – Mahila Police Thana, District Ambikapur, for the

offence punishable under Sections 376(2)(n), 294 and 506 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case is aged about 23 years and she was a consenting party as she admits about the love affair with applicant – Arvind Kumar Painkra. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given under Sections 161 and 164 of the Cr.P.C. by the prosecutrix, no case is made out for grant of anticipatory bail to the applicants.

4. Heard counsel for both the parties and perused the case diary.

5. According to the FIR lodged, the prosecutrix has alleged that applicant - Arvind Kumar Painkra allured her with a promise to marry her and exploited her sexually for about 11 months; and ultimately when the applicant refused to marry the prosecutrix, then the prosecutrix approached the parents and relatives of main accused – Arvind Kumar Painkra where she was abused and threatened. Hence, this case.

6. Considering the entire material present in the charge-sheet and after considering the entirety of the material present in the case of the applicants, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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