

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1461 of 2018

- Tarun Kumar Sahu S/o Shri Sant Ram Sahu, Aged About 27 Years, R/o Goinda, Police Station- Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate, Korba, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2018

1. Apprehending arrest in connection with Crime No.791/2018, registered at Police Station – Kotwali, District- Korba, Chhattisgarh for offence punishable under Section 376 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 age about 27 years. The applicant and the prosecutrix both had been in relationship and had performed marriage in a temple. As the applicant had left the company of the prosecutrix, she has lodged one missing report on 19-04-2018, in which, she has herself made statement about the marriage and desertion by the applicant and subsequent to that, on 05-09-2018 she has lodged the FIR making totally false allegation against this applicant. No case of rape is made out against the applicant. 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 the applicant had obtained submission of the prosecutrix by making false promise to marry her and thus has exploited her sexually; he is

not entitled for grant of anticipatory bail.

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

5. According to the FIR lodged, on the pretext of marrying the prosecutrix in future the applicant obtained consent of the prosecutrix by deceit and exploited her sexually on number of occasions and then has deserted her.

6. After considering on the entire material present in the case diary, 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