

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1483 of 2018

- Sahil Shrivastava (wrongly mentioned in the Cause Title of lower Court's order as Shakil Shrivastava) S/o Sunil Shrivastava, Aged About 27 Years, R/o L.I.G. 137, Sector-1, Housing Board Colony, Saddu Raipur, Police Station- Vidhansabha, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Kotwali, Jagdalpur, District- Jagdalpur, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Alok Bakshi, 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.356/2018, registered at Police Station – Kotwali, Jagdalpur, District- Jagdalpur, 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 26 years and she had been a consenting party in relationship with this applicant since 2017. As alleged in the FIR that the applicant forced the prosecutrix to abort her pregnancy, that incident is of October, 2017, even then the prosecutrix kept silence for about 8 to 9 months and has come with the complainant on 16-07-2018, hence, no case is made out against this 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 this applicant on the pretext of marrying the prosecutrix

obtained her submission by deceit and has exploited her sexually, hence, he is not entitled for grant of anticipatory bail.

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

5. The applicant was employed in Fine Vypens company as Engineer, where the prosecutrix was also employed as his junior Engineer. It is alleged that this applicant increased his intimacy with the prosecutrix and called her to a hotel in Jagdalpur where he ravished her and thereafter on number of occasions he had physical relation with her on the pretext that he will marry her in future. It is alleged that when the prosecutrix became pregnant the applicant by putting her under pressure got her pregnancy aborted in October, 2017. Subsequently, when the applicant refused to marry her, she has come with a complaint on 16-07-2018. Hence, this case.

6. Considered on the entire material present in the case diary and considering the fact that the prosecutrix is a major lady and her relation with the applicant continued for almost one year before she has lodged the FIR and looking to overall development that has taken place in between, 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