

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1493 of 2018

- Sabir Ali S/o Moh.Raies Ali Aged About 35 Years R/o Kotra Road Sameer Spa, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho Police Station Telibandha Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent -

For Applicant : Mr. Harshwardhan Jaiswal, Advocate.
For Respondent : Mr. A.K. Mishra, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/11/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.513/2018 registered at Police Station-Telibandha, Raipur, District – Raipur(C.G.), for the offence punishable under Sections 376 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix is 28 years old lady and she was a consenting party because of which physical relation of the applicant and the prosecutrix continued for about 4 years before the FIR was lodged. The prosecutrix has levelled a total false allegation against this

applicant. Hence, under this apprehension of arrest, it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had by deceit obtained consent of the prosecutrix that he intends to marry her, but he finally refused to marry her, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the prosecutrix that because of some dispute with her husband, she joined the employment in the Samir Spa Saloon of this applicant. The applicant then taking benefit of her situation in her married life, expressed fake love and, thus, obtained her submissions for physical relation which continued for about 4 years. The applicant had stated that he wants to marry her but when the prosecutrix obtained divorce from her husband, the applicant has refused to marry her. Hence, this case.
6. After considering the entire material present on record and nature of the allegation against this applicant and also that the prosecutrix is a major lady of 28 years, for these reasons, I am of this opinion that applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge