

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1564 of 2018**

Mukesh Mishra, S/o. Basant Mishra, Aged About 32 Years, R/o. Doupara,
Heeralal Ward, Mungeli, District- Mungeli, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police
Station- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.R. Tiwari, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/12/2018**

1. Apprehending arrest in connection with Crime No.500/2018, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the evidence present in the case diary. The prosecutrix is major lady of 29 years of age. As the affair between the complainant and the applicant started prior to 4 years from the date of lodging of FIR, which clearly demonstrate that because of disruption of their relationship, false complaint has

been filed and the applicant has never concealed that he is married. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the statement given by the prosecutrix under Section 161 of Cr.P.C., no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecution case is this that about four years prior to the filing of the written complaint, the applicant and the prosecutrix got acquainted with each other then they fall in love and had relationship including physical relation because of which the prosecutrix became pregnant. As it is informed that she has now delivered a child. It is alleged that the applicant has deserted the prosecutrix and has denied to marry her and that is the reason for lodging of FIR.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and looking to the nature of the case and further taking into consideration this fact that the prosecutrix has come forward after passing of about four years, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge