

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1595 of 2018

- Siddharth Bharati S/o Shri Kiran Kumar Bharati, Aged About 30 Years, R/o Rajendra Nagar Near, mission School Bilaspur, Police Station Kotwali Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotwali, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri S.S. Baghel, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2018

1. Apprehending arrest in connection with Crime No.270/17, registered at Police Station – Kotwali, Distt. Rajnandgaon, 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 woman of 38 years of age. The applicant and the prosecutrix both were in relation till 2017, because of some dispute regarding money which the applicant had borrowed from the prosecutrix and could not return a totally false FIR has been lodged against him. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the FIR lodged and the statement given by the prosecutrix under Section 161 of the Cr.P.C., it is a clear case where the applicant obtained consent and submission of the prosecutrix by deceit and has ravished her, therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the case against the applicant, he met with prosecutrix in the year 2011 and thereafter both had developed physical relation which continue upto 2017. On 01-05-2017 the prosecutrix made a written complaint to the police making allegation of rape. Hence, this case.

6. Considered on the entire material present in the case diary and looking to the age of the prosecutrix and the fact that the relationship between the applicant and the prosecutrix continued for about 4 years with peace, I am of this opinion that this is a fit case for grant of anticipatory bail to this applicant.

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