

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1599 of 2018

- Rajesh Gupta S/o Shri Subhash Gupta, aged about 27 years, R/o Pendra, Police Station-Pendra, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, through A. J. K. Police Station-Pendra, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate.

For Respondent : Mr. V.B. Singh, Panel Lawyer.

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

11/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.5/2018 registered at Police Station-A.J.K. Bilaspur, District – Bilaspur(C.G.), for the offence punishable under Sections 376 of the Indian Penal Code (for short 'IPC') & 3(2)(5), (V-A) of the SC/ST Prevention of Atrocities Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The prosecutrix has made totally false allegation against this applicant, the fact is this that this applicant and the prosecutrix both are husband and wife and they

have married in temple on 10.5.2018 regarding which this applicant and the prosecutrix both have sworn an affidavit. Because of some dispute between applicant and prosecutrix, she has lodged this false FIR, therefore, no case is made out against this applicant. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Prosecutrix has lodged FIR alleging that after initial acquaintance with the applicant in the year 2017, she started living with applicant and they had also established physical relation. The prosecutrix submitted because the applicant made her to believe that he will marry her and then ultimately he refused to marry her, for the reason that she belongs to scheduled caste. Hence, this case.
6. Considered on the material present in the case diary, as it appears that the relationship between the applicant and the prosecutrix continued for some time, thereafter, some dispute has arisen. Hence, looking to the circumstances in this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants 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