

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 30 of 2019

- Jaswant Minj S/o Shri Bhinest Minj, Aged About 35 Years, R/o Police Line Karli, Police Station Geedam, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dantewada, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Vikas A. Shrivastava, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-01-2019

1. Apprehending arrest in connection with Crime No.128/18, registered at Police Station – Dantewada, District Dantewada, Chhattisgarh for offence punishable under Section 376, 506 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 aged about 30 years at present and she was capable to consent since initiation of the incident in the year 2012. According to the statement of the prosecutrix itself, it appears that they had physical relation which was based on consent of both the parties. The only grievance of the prosecutrix is this, that the applicant instead of marrying her, has married with some other girl, which is no offence. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the written complaint given by the prosecutrix dated 13-12-2018, she got acquainted with the applicant in the year 2012 and then the applicant promised that he will marry her and for about five years he exploited

her sexually and after that time the applicant has married to some other girl. Hence, this case.

6. After considering nature of the allegation and circumstances of this case that the prosecutrix was major all the time when she submitted to the applicant for relationship, I feel inclined to allow the 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