

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 152 of 2019**

Jameer Hussain, S/o. Ameer Hussain, Aged About 31 Years, Occupation - Service, R/o. Patrapali, Police Station Kotraroad, Raigarh, Tahsil and District Raigarh Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station Kotraroad, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.
For Complainant	: Mr. Sunil Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/02/2019**

1. Apprehending arrest in connection with Crime No.258/2018, registered at Police Station – Kotraroad, Raigarh, District – Raigarh (C.G.) for offence punishable under Section 376, 506 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 material present on record. The prosecutrix is 28 years old woman and she had been a consenting party in the relationship between her and the applicant and because of some misunderstanding, the prosecutrix has lodged this FIR, but now the dispute has been resolved and the applicant has married the prosecutrix and both are residing together and have a child from this marriage. Therefore, 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.
4. The complainant present in person along with Mr. Sunil Sahu, Advocate and she has given statement before this Court that now she is living with the applicant as his wife and there is no dispute pending between them.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged, it is alleged that this applicant allured the prosecutrix with false promise to marry her and then exploited her till she became pregnant, thereafter, he has deserted her.
7. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary and looking to the development that has taken place in the shape of marriage of the applicant with the prosecutrix, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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

Balram