

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 87 of 2019**

Md. Dirshad, S/o. Md. Istiyak, Aged About 19 Years, R/o. House No. 173,
Ward No. 13, Camp 1, Steel Nagar, Vrinda Nagar, Bhilai, Thana Chawni
District Durg Chhattisgarh.

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

State Of Chhattisgarh, Through : The District Magistrate, District Durg
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sandeep Singh, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/02/2019**

1. Apprehending arrest in connection with Crime No.885/2018, registered at Police Station – Chhawani, District – Durg (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 on the basis of the material present on record. The prosecutrix is a major lady of age about more than 21 years. It was with her consent, this applicant had relation with her for about two years. The prosecutrix is only aggrieved for the

reason that this applicant had been unable to perform the promise of marriage, which does not amount to commission of any offence. Further the prosecutrix herself had appeared before the Court below and expressed her no objection for grant of anticipatory bail to the applicant along with filing affidavit in this respect. 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. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecutrix has lodged FIR against the applicant that on 15.01.2016 this applicant allured her with promise to marry her and then established physical relation by force. This relation continued and on 27.11.2018, the applicant again executed an agreement to perform marriage with the prosecutrix, but thereafter, he has refused and deserted her.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the statement of the prosecutrix regarding no objection in grant of anticipatory bail, 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 applicants 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