

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 120 of 2019**

Madhoram Bhuarya, S/o. Enuram Bhuarya, Aged About 24 Years,
Occupation -Constable, Central Reserve Police Force, Presently Posted
At Odisha, Telangana Border, R/o. Village Arajkund, Police Station
Dongargaon, Tahsil Chhuria, District Rajandgaon Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station : Dongargaon, District
Rajanandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.S. Baghel, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/03/2019**

1. Apprehending arrest in connection with Crime No.395/2018, registered at Police Station – Dongargaon, District – Rajnandgaon (C.G.) for offence punishable under Section 376, 323, 34 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 in the case diary. The age of the prosecutrix in this case is 25 years and she had been a consenting party. In the further development the applicant and the prosecutrix both have married and are living together. Prosecutrix is present before this Court to make her statement 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. The prosecutrix present in person, who has been identified by the counsel for the applicant. She has made statement that she and the applicant both have married and are living together and she has also stated that she is major of age about 25 years further she has no objection, if the anticipatory bail is granted to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As alleged, this applicant had on pretext of marrying the prosecutrix developed physical relation with her on numerous occasions. When the prosecutrix asked the applicant to marry her, the applicant has assaulted and beaten her because of which, FIR has been lodged.
7. Considered the submissions made and the contents of the case diary. Considering the development that has taken place that the prosecutrix is now married wife of the applicant, hence for this reason, 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