

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 129 of 2019

- Loknath Yadav S/o Bhagwat Prasad, Aged About 25 Years, Occupation-Service, G. D. Constable Mahar Regiment (wrongly written as Segment), P.V.C.08, Deepatoli, Ranchi, Jharkhand, R/o Bhathoura, Police Station and Tahsil- Malkharouda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Jaijaipur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Hamida Siddique and Ms. Rashmi Sen, Advocates.
For Non-applicant/State – Mr. Adil Minhaj, Pane Lawyer.

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

15-02-2019

1. Apprehending arrest in connection with Crime No.220/2018, registered at Police Station – Jaijaipur, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 376 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. No case is made out against this applicant. The prosecutrix is a major lady and she and the applicant both had affair, because of some misunderstanding the prosecutrix has lodged the FIR. In a subsequent development the applicant has married the prosecutrix in the Arya Samaj Temple at Raipur, regarding which certificate has been filed along with the application and the applicant and the prosecutrix both had a female child out of this wedlock. Therefore, no offence has been committed. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and the submission made in this respect, however, he admits that one certificate is attached with the case diary which supports the version of the applicant that he and the prosecutrix had married.

4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged by the prosecutrix alleging that the applicant on the pretext of marrying her established physical relation with the prosecutrix many times, because of which she has become pregnant. Thereafter, the applicant refused to marry her.
6. On the basis of the development that has taken place in the shape of marriage of the applicant and the prosecutrix, I am of this opinion that the applicant should be benefited with grant of anticipatory bail.
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