

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 183 of 2019

- Dhanraj Sharma @ Dhaneshwar Sharma S/o Lt. Shri Chakradhar Sharma, Aged About 44 Years, R/o Ward No. 01, Kasaya, Gharghoda, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Police Station, Gharghoda, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Madhunisha Singh, Advocate.

For Non-applicant/State – Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2019

1. Apprehending arrest in connection with Crime No.319/2018, registered at Police Station – Gharghoda, District Raigarh, Chhattisgarh for offence punishable under Section 376 of the IPC & 3(2)(12), 3(2)(15)(ब)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the prosecutrix has falsely implicated this applicant. She is habitual in making such complaint. The prosecutrix was earlier married with one Rajkumar on 03-11-2017 regarding which documents are filed along with the application and earlier she had falsely implicated one man named Dev Kumar. Mother of the prosecutrix has filed one complaint in Police Station Gharghoda stating that the prosecutrix is mentally unsound and also one information was given to the police that the prosecutrix was earlier married to one muslim person of Uttar Pradesh for some time. Therefore, allegations made against this applicant are baseless and improbable. 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. A complaint was given by the prosecutrix in Gharghoda police stating that in the year 2013, this applicant allured the prosecutrix and established physical relation with her on a number of occasions. When the prosecutrix became pregnant, she was forced to marry one Rajkumar on 03-11-2017 and sent to Uttar Pradesh. The prosecutrix made her escape and came back to her place where she tried to contact the applicant, but he did not heed to her and the complaint was filed.

6. The prosecutrix was not a minor on the date she states that she and the applicant had physical relation with each other. Her marriage with one Rajkumar is not disputed. Therefore, considering on all the material, facts and circumstances of this case, I feel inclined to allow this 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

Aadil