

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 206 of 2019

- Chandrabhan Singh Marawi S/o Lakhan Singh, Aged About 35 Years, R/o Village Dongariya, P.S. Pendra District Bilaspur Chhattisgarh, At Present Mana Naya Raipur 211 Wahni Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Jashpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

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

15-04-2019

1. Apprehending arrest in connection with Crime No.04/2016, registered at Police Station – Jashpur, District Jashpur, Chhattisgarh for offence punishable under Section 376, 506 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. The prosecutrix is a major lady of age 30 years and she had been a consenting party throughout in the physical relation between her and the applicant. The FIR is belatedly lodged after passing of about 4 years on 06-01-2016. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement of the prosecutrix that she was forced to submit for physical relation by the applicant on every occasion, therefore, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, the applicant and the prosecutrix got acquainted with each other in the year 2012. On invitation by the prosecutrix

he came at Jashpur, then he stayed in the house of the aunt of the prosecutrix where it is alleged that he forcefully had physical relation with the prosecutrix. When the prosecutrix objected and showed her intention of lodging the FIR, the applicant then promised that he will marry her. Thereafter, this continued for sometime, during which he had physical relation with the prosecutrix on number of occasions. Ultimately when the prosecutrix discovered that the applicant had already married she lodged the FIR.

6. After considering on all the 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