

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 235 of 2019**

Saranjit Singh @ Vicky, S/o. Trilok Singh, Aged About 27 Years, R/o. Behind Ashish General Store, Gautam Nagar, Supela, Bhilai, Police Station Supela, District Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station, Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahil Arun Kochar, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.
For Complainant	: Mr. Dev Ashish Biswas, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/02/2019**

1. Apprehending arrest in connection with Crime No.1073/2018, registered at Police Station – Supela, District – Durg (C.G.) for offence punishable under Section 376 of the Indian Penal Code and Section 5 (a)/6 of the Protection of Children from Sexual Offence Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that because of some dispute with this applicant, the prosecutrix has lodged totally a false FIR. Now the dispute has been resolved and the applicant has married with the prosecutrix. The prosecutrix herself presented before the Court below to make submission on affidavit

that she has married this applicant, which was not taken into consideration. The prosecutrix is again present before this Court to make such statement. 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. It is submitted that it is a full of evidence, in which the prosecutrix was minor girl on the time, when the incident started, therefore, the application be rejected.
4. Prosecutrix is present in person before this Court along with Mr. Dev Ashish Biswas, Advocate and she has made statement that she has already married with this applicant and she is now major, therefore, she has no objection in grant of anticipatory bail 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. According to the prosecution case, about two years from lodging this FIR, the applicant allured the prosecutrix with promise to marry her and established physical relation with her and thereafter has refused to marry her. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering on the documents filed along with this application and the statement made by the prosecutrix, who has been identified by the counsel and looking to the peculiar circumstances of the case and for the reasons that the prosecutrix

is now major, 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