

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 338 of 2019

- Vijay Mahant S/o Shiromani Das Mahant, Aged About 26 Years, R/o Village Lachanpur Baradwar, Police Station Baradwar, Disrtict Janjgir-Champa, (C.G.), At Present R/o Mangla Chauk, Police Station Civil Line Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mahila Thana Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Deepak Kumar Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-03-2019

1. Apprehending arrest in connection with Crime No.6/2019, registered at Police Station –Mahila Thana, Bilaspur, District Mahasamund, 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 aged about 25 years. She never complained, therefore, the live-in relationship continued for 1 and ½ years. The applicant has married with the prosecutrix in a temple which is a marriage recognized by the society and family members of the applicant. Because of some dispute between the applicant and the prosecutrix has lodged a totally false FIR against this applicant. Hence, it is payed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, the applicant and the prosecutrix entered into live-in relationship since 30-03-2017 which continued till 17-01-2019. In a

temple and thereafter after exploiting her sexually he deserted her. Hence, this case.

6. Considering on all the material present in the case diary and looking to the nature of allegation against this applicant, 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