

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 332 of 2019

- Yogesh Agrawal S/o Late Shri Shital Prasad Agrawal, Aged About 35 Years, R/o Pithora, Police Station and Tahsil Pithora, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Patewa, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Raghavendra Pradhan, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

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

13-03-2019

1. Apprehending arrest in connection with Crime No.23/2019, registered at Police Station –Patewa, District Mahasamund, Chhattisgarh for offence punishable under Section 376, 375, 493 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 30 years aged adult woman. She had lived in relationship with the applicant for almost 9 years. The FIR has been lodged only because the applicant has threatened the prosecutrix in the last phone call made by him. Therefore, no offence of rape is made out against the applicant. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement given by the prosecutrix, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged and the statement given by the prosecutrix, since the year 2008 the applicant allured the prosecutrix with promise to marry

her and established physical relation with her on number of occasions and in number of places, which continued for almost 9 years. In December, 2018 the applicant made a phone call and threatened the prosecutrix with dire consequences, subsequent to which, the FIR has been lodged.

6. After due consideration on all the material present in the case diary and looking to the length of relationship that has remained between the applicant and the prosecutrix and that she never made any complaint or lodge any FIR earlier despite having opportunities, also that the prosecutrix is a major lady, 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