

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 345 of 2019**

Tukesh Kumar S/o Chandrika Prasad Verma Aged About 31 Years R/o Village Baseen, Police Station Suhela Civil And Revenue District - Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Suhela, Civil And Revenue District - Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Adil Minhaj, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 36 of 2019, registered at Police Station Suhela, District Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material placed before the Court by the prosecution. The prosecutrix is a major lady aged about 25 years. As per allegations in the FIR, it is undisputed that the applicant and the prosecutrix both had love affair since 2011, subsequent to that, the applicant married to another woman and the complainant also married to another but the relationship continued. The things took a new turn when the complainant divorced her husband and asked the applicant to marry her, then the applicant has refused to leave his wife and family. Therefore, the FIR has been lodged. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged and the statement given by the prosecutrix, it is not denied that she and the applicant both had affair since 2011 and after she divorced her husband, the applicant has refused to marry her. Hence, the FIR has been lodged.

7. After considering the facts and circumstances of the case and the material in the case-diary that the prosecutrix has appeared to be major, while having relationship with the applicant and her main grievance appears to be that the applicant has refused to marry her on the later point of time, hence, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge