

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 376 of 2019

- Basant Kumar Dhruva S/o Shri Kismatlal Dhruva Aged About 23 Years
R/o Village Kounvajhar, Police Station Tumgaon, District Mahasamund
Chhattisgarh.

---- Applicant

Versus

- Statae of Chhattisgarh Through Police Station Tumgaon, District:
Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate.
For Respondent/State : Mr. Himanshu Sharma, Panel Lawyer.

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

19/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.200/2018 registered at Police Station-Tumgaon, District – Mahasamund(C.G.), for the offence punishable under Sections 376 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. Prosecutrix is 23 years old lady and she had been a consenting party throughout. Infact there had been a love affair between both of them since the year 2014 and subsequently a live-in

relationship developed in the year 2016. As the applicant and prosecutrix both belonged to different community, therefore, their parents and family members had not agreed to their marriage and therefore a false FIR has been lodged against the applicant. Hence, it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that prosecutrix has clearly stated that the applicant under a false promise of marriage had developed physical relation with her, therefore, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, the applicant and the prosecutrix got acquainted in the year 2014 and then they fall in love. On 10.8.2016, applicant by making false promise to marry the prosecutrix, took her to his own house and there he had physical relation with her without her willingness and consent. This continued for some time and both had physical relation on number of occasions. According to the statement and FIR, as the applicant has refused to marry the prosecutrix, therefore, FIR has been lodged.
6. After considering the entire material present in the case diary and the nature of relationship between the applicant and the prosecutrix, which is reflected from the statement of prosecutrix herself, I feel inclined to allow this application.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge