

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 416 of 2019**

- Deepu Kashyap S/o Deva, Aged About 25 Years, Caste Gond, R/o Village Badegurbe, Police Station Kukanar, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

**----Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sukma, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Praveen K. Dhurandhar, Advocate.

For Non-applicant/State – Shri Himanshu Kumar Sharma, Panel Lawyer.

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

**Order on Board**

**27-03-2019**

1. Apprehending arrest in connection with Crime No.29/2017, registered at Police Station – Sukma, District Sukma, Chhattisgarh for offence punishable under Section 376 & 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. The prosecutrix has lodged a totally false FIR in this case. The fact is this that the applicant and the prosecutrix both entered into wedlock in accordance with social customs and practices in the year 2014. The prosecutrix after living for about 5 to 6 months in her matrimonial home had deserted the applicant and started residing with some other man, from whom she has conceived and given birth to a male child who is not the biological child of this applicant. Thereafter, false allegations are made against this applicant, which are totally baseless. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant has exploited the prosecutrix sexually from the year 2014 and has deserted her when she gave birth to a child. Therefore, 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 prosecution case, the applicant allured the prosecutrix aged about 26 years with false promise to marry her and established physical relation with her, which continued for some time, because of which the prosecutrix became pregnant and she has given birth to one male child a week before lodging of the FIR on 12-04-2017. It is alleged that the applicant is now refusing to have the prosecutrix as his wife and the child as his own child. Therefore, the FIR has been lodged.

6. Considered on the entire material present in the case diary. The prosecutrix had been a major lady throughout when the incident has taken place and the incident has taken place continuously within a span of time during which no complaint was made, therefore, under these circumstances, 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**

Aadil