

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 411 of 2019

- Lobhan Singh Dhruv, S/o Kunwar Singh Dhruv, Aged About 30 Years Presently R/o Somsingh Diwan (Land Lord), Durga Nagar, Bagbahara, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Sector-Bhatapara Gramin, District-Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K Jha, Advocate.

For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

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

01/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.70/2019 registered at Police Station Bhatapara Gramin, District–Baloda Bazar, Bhatapara (C.G.), for the offence punishable under Sections 294, 506, 323, 376, 34 of Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Age of prosecutrix is 33 years. Applicant and prosecutrix both had love affair since the year 2013 and the applicant had established physical relation with the consent of prosecutrix. As the applicant refused to marry her, therefore, the

prosecutrix had earlier lodged FIR against this applicant on the basis of which the prosecution is going on against this applicant under Session Trial No.22/2017 in the Session Court at Bhatapara Baloda Bazar. The prosecutrix in her statement recorded in the Court has admitted about her affair with applicant. In the particular incident, the date of incident is mentioned as 18.6.2018 whereas FIR was lodged belatedly on 8.2.2019, which further shows that they had consensual physical with each other and when the prosecutrix became pregnant, she had lodged this FIR. Applicant is a government servant and in case of his arrest, he will be placed under suspension. Hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant on the pretext of marrying the prosecutrix has exploited her sexually on several occasions, therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. After considering the peculiar nature of case and the admission made by the prosecutrix regarding her affair with the applicant, I feel inclined to grant anticipatory bail to the applicant.
6. 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

Nisha