

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 440 of 2019**

Jitendra Kumar Khare, S/o. Ramkhilawan Khare, Aged About 31 Years,
Occupation - On Govt. Job Constable, R/o. Village Salkha, Police Station
Ratanpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Its Police Station, Sipat -District Bilaspur
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravi Maheshwari, Advocate
For Respondent	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/03/2019**

1. Apprehending arrest in connection with Crime No.62/2019, registered at Police Station – Sipat, District – Bilaspur (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned 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 present in the case diary. The prosecutrix is a major lady and she had been a consenting party. The allegation that applicant promised to marry her is totally false. The applicant is a constable in 8th Battalion stationed at Sakri, Bilaspur. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted

that, the applicant had obtained the consent of the prosecutrix by deceit, therefore, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, the applicant made false promise to marry the prosecutrix and established physical relation with her since 11.02.2016, which continued for about more than two years and then instead of fulfilling the promise, the applicant has attempted to marry some other girl because of which, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After considering the entire material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram