

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 453 of 2019

- Raunak Singh, S/o Shri Jagjeet Singh, aged about 28 Years, R/o Qtr. No.3, B, Street No.33, Sector-10, Bhilai, Tahsil & District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station AJAK, Korba, Through District Magistrate Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

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

08/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.02/2019 registered at Police Station-AJAK Korba(C.G.), for the offence punishable under Sections 376, 294, 506 of the Indian Penal Code & Section 3(2)(5-A) of SC/ST (Prevention of Atrocities) Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The prosecutrix in this case is herself a woman of doubtful character. The applicant and the prosecutrix both are school teachers and were posted in the same school. In the meanwhile, she developed intimacy with the applicant and herself offered and pressurized the applicant to have physical

relation with her. The applicant has himself filed a complaint to the Superintendent of Police, Korba on 22.1.2019, that prosecutrix is threatening him to involve in a false case of rape and another similar complaint was filed by him before the Inspector General of Police, Durg on 16.1.2019. Copy of whatsapp chat is also been produced along with application to show that the prosecutrix herself is a promiscuous woman, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the prosecutrix is a member of Scheduled Caste. The applicant has on pretext of marrying her, sexually exploited her on number of occasions, then has refused to marry her only for the reason that she belongs to Scheduled Caste, therefore, no case for grant of bail is made out.
4. Heard both the parties and perused the case diary.
5. Written complaint was filed by the prosecutrix on 25.1.2019, in which, she has stated that while she and applicant working in the same school, where the applicant proposed to marry her and under pressure established physical relation with her on number of occasion by calling on his own house. This continued for some time and while the prosecutrix asked him to fulfill the promise to marrying her, he kept stalling and ultimately in the first week of January, 2019, the applicant has refused to marry her by saying that she belongs to 'Chamar' caste and if he marries her, he would get defamed in his own community and he also admitted that he had made a false promise for marrying her. Hence, this case.
6. On perusal of the whatsapp chat along with application, it cannot be said that it was one sided affair. The dispute has arisen when the

applicant refused to marry the prosecutrix, hence, under these circumstances, I feel inclined to allow this application on temporary basis.

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