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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 485 of 2019

- Mukesh Sahu S/o Bodhi Ram, Aged About 25 Years, R/o Village- Amlipali "A", Police Station and Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raghavendra Pradhan, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-04-2019

1. Apprehending arrest in connection with Crime No.29/2019, registered at Police Station – Sarangarh, District- Raigarh, Chhattisgarh for offence punishable under Section 376 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. No case is made out against the applicant on the basis of the FIR lodged against him. The prosecutrix is a major lady of age 23 years and she had been a consenting party in the physical relation that took place. The prosecutrix became aggrieved for the reason that negotiation was going on for marriage of the applicant with some other girl, therefore, this false FIR has been lodged. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that the consent of the prosecutrix had been obtained by deceit by the applicant, therefore, it is not the free consent, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged in the FIR lodged that this applicant on the pretext of marrying the prosecutrix established physical relation with her about 5 to 6 months prior to the date of lodging of the FIR and thereafter he has refused to marry her.
6. On perusal of the diary statement of the prosecutrix, it has appeared that she and the applicant had some kind of love affair for a short period, therefore, after over all consideration on the facts and circumstances of this case, 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