

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 544 of 2019

- Shailesh Kumar Singh S/o Chandramani Singh, Aged About 27 Years, Occupation Job, R/o Village Sitapur, P.S. And Tehsil Sitapur, District- Sarguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. AJK Ambikapur, District- Sarguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Otvani, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-04-2019

1. Apprehending arrest in connection with Crime No.05/2019, registered at Police Station – AJK Ambikapur, District- Sarguja, Chhattisgarh for offence punishable under Section 376(2) (N) of the IPC and 3(2-VI) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST Act'), 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 is a major lady of age 22 years at present. According to the FIR itself the prosecutrix and the applicant had affair since 2014 and then she became pregnant in the year 2018. Thereafter, on refusal of the applicant to marry her, she has lodged this false FIR. No case is made out for commission of offence under the provisions of SC/ST Act as well. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement made by the prosecutrix that she has been sexually exploited by the applicant on pretext of marrying her, 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 FIR lodged the prosecutrix and the applicant got acquainted in the year 2014, which developed into love affair. It is alleged by the prosecutrix that the applicant then exploited her sexually on numerous occasions because of which she became pregnant and she was carrying pregnancy of 8 months on the date of lodging of the FIR, i.e., 12-02-2019. The FIR has been lodged for the reason that the applicant has refused to marry her.

6. Considered on the entire material present in the case diary. Investigation has to be made to find out whether the exploitation of the prosecutrix was for the reason that she is a member of Scheduled Tribes. Looking to the length of affair between the applicant and the prosecutrix and the reason for lodging of the FIR that the applicant has refused to marry her, 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