

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 535 of 2019

- Moh. Imran Nazir S/o Moh. Aziz, Aged About 19 Years, By Caste - Musalman, R/o Village - Ghatmunda, Tahsil And Police Station - Kunkuri, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Kunkuri, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shubam Tripathi, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-04-2019

1. Apprehending arrest in connection with Crime No.24/2019, registered at Police Station – Kunkuri, District - Jashpur, 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. Age of the prosecutrix is 26 years and she had been a consenting party. The applicant and the prosecutrix have been in relationship since about 1 year, only when the applicant left her for some time and she became pregnant, then the prosecutrix has lodged the FIR making false accusation against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged in the FIR lodged that the applicant and the prosecutrix got acquainted with each other and after expressing his love and his intention to marry her the applicant established physical relationship with her and this continued for some time. When the applicant left the prosecutrix for some time

for going to some other place, the prosecutrix came to know that she is pregnant, then, it is stated in the FIR that out of panic she has lodged the FIR.

6. After due consideration on all the material present in the case diary, 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