

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 602 of 2019**

Saurabh Parche, S/o. Late Shri Dayashankar Parche, Aged About 23 Years, R/o. Karbala Road, Sudarshan Nagar, Police Station – City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Police Station- Mahila Thana, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shyam Sunder Lal Tekchandani, Advocate
For Respondent	: Mrs. Madhunisha Singh, P.L.
For Objector	: Mr. S.B. Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/05/2019**

1. Apprehending arrest in connection with Crime No.05/2019, registered at Police Station – Mahila Thana, Bilaspur, 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 matured woman of 36 years old and the fact is this that the applicant himself is the victim, who is 23 years old. There had been an affair between the applicant and the prosecutrix for about two years now the prosecutrix is compelling the applicant to marry her, therefore, she has lodged false FIR. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. Learned counsel for the objector after adopting the argument advanced by the learned counsel for the applicant submits that no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the written complaint filed by the prosecutrix, the applicant on the pretext of marrying her exploited her sexually for about two years. On asking of the applicant, the prosecutrix had agreed to get photographed in short clothes. Thereafter, it is alleged that the applicant has threatened the prosecutrix for uploading her photographs on social media to extort money from her and to exploit her. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on 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.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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