

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 588 of 2019**

Vijay Pradhan S/o Nilamber Pradhan Aged About 43 Years Cast - Kolta R/o Village Chalta, Police Station And Tahsil Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Batauli, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Pathak, Advocate.
For the Respondent/State : Shri Rahim Ubwani, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 29 of 2019, registered at Police Station – Batauli, District – Surguja, Chhattisgarh for the offences punishable under Section 376 (2) (n) of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is a major lady aged about 24 years and she had been a consenting party throughout. The applicant and the prosecutrix had a love affair of about five years and the prosecutrix has given birth to a child as well, however, the FIR has been

lodged only for the reason that the applicant has refused to marry her. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear statement of the prosecutrix that the applicant has raped her. Hence, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, the applicant has exploited the prosecutrix by making a false promise to marry her, she became pregnant and gave birth to a child on 26.9.2018 and thereafter, the applicant has refused to marry her.

7. After considering the entire material present in the case-diary, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 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. He 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 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