

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 628 of 2019

- Dinesh Sahu @ Banshi Lal Sahu S/o Late Krishna Sahu Aged About 34 Years R/o Near Canal Para, Shiv Nagar, Gudhiyari, Police Station Gudhiyari, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gudhiyari, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. K.K. Dixit, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.112/2019 registered at Police Station-Gudhiyari, Raipur, District-Raipur(C.G.), for the offence punishable under Sections 376 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that even if the allegations made against the applicant are to be believed, it would make out only case of consensual physical relation. Another fact which is noticeable is this, that prosecutrix herself is a married woman having two children, therefore, the story in the prosecution case is totally improbable, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the allegation, the applicant had allured the prosecutrix with false promise to marry her and also had obtained the consent of the prosecutrix by putting her under threat to kill her children, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged on 25.3.2019, between the period of 25.6.2016 to 16.11.2018 this applicant by promising to marry the prosecutrix established physical relation with her and also obtained consent by putting her under threat thus exploited her sexually on various occasions, ultimately the applicant has refused to marry her. Hence, this case.
6. Noticing this fact that the prosecutrix herself is a married woman and length of relationship between her and the applicant has been for about more than two years during which she never complained, I feel inclined to allow the application to this applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha