

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 595 of 2019**

Manmohan Lal Bhardwaj S/o Narayan Bhardwaj Aged About 51 Years R/o Gopal Nagar, (Aarasmeta), Gulmohar Complex, Police Station Mulmulla, Tehsil Akaltara, District Jangir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Jangir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Trivedi, Advocate.
For the Respondent/State : Shri Aditya Sharma, 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. 52 of 2019, registered at Police Station – Mulmulla, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Section 376 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 30 years and she had been a consenting party. The prosecutrix is a married woman. It is not denied that there had been an affair

between the applicant and the prosecutrix. As the applicant has refused to have the prosecutrix as his wife, the FIR has been lodged. 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.

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

6. FIR has been lodged in this case alleging that this applicant by making false promise to marry her and exploited her sexually from the year 2011-2012 to 2019 and thereafter, the FIR has been lodged on 31.3.2019.

7. Considering the submissions and the contents of 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