

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 620 of 2019

- Gaurishankar Nag, S/o Late Budhsan Nag, Aged About 28 Years, R/o Maa Dandeshwari Bihar Colony, Aalbeda Para, Thana Kondagaon, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station-Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

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

01/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.81/2019 registered at Police Station-Kondagaon, District-Kondagaon(C.G.), for the offence punishable under Sections 376, 506 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix is a lady of age 29 years. Applicant and prosecutrix both had affair since 2014. The FIR has been lodged only for the reason that the applicant has refused to marry with the prosecutrix. The applicant's refused for marrying the prosecutrix is not an offence, hence, it is prayed that applicant may be granted

anticipatory bail.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the applicant had obtained the consent of the prosecutrix by deceit, on the basis of false promise to marry her, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. As per the FIR lodged, it is alleged that the applicant made a false promise to marry with the prosecutrix and under pretext he exploited her sexually for 3 to 4 years and, thereafter, he refused to marry her. Hence, this case.
6. After considering on all these facts and circumstances of this case, I feel inclined to allow this application of 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