

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 623 of 2019

- Chandramani Tandan, S/o Mr. Ramkrishna Tandan, Aged About 27, Years, R/o Village Sakri, Post Chandi, Police-Station-Abhanpur, District- Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Abhanpur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali with Mr. M.L. Sakat, Advocate.
For Respondent : Mr. Aditya Sharma, Panel Lawyer.

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

08/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.177/2019 registered at Police Station-Abhanpur, 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. The prosecutrix in this case is aged 25 years and she was a consenting party in the physical relation that has taken place between both of them. Only for the reason that the applicant has refused to marry the prosecutrix, she has lodged this false FIR making false allegation, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that applicant has obtained the consent of the prosecutrix by putting her under threat, therefore, that is not a free consent, hence, application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, it is alleged that the applicant had on pretext of marrying the prosecutrix has exploited her sexually since year 2017 to March, 2019. During this relationship, the prosecutrix became pregnant, however, her pregnancy has been aborted because of the insistence of the applicant and, thereafter, the applicant has refused to marry her. Hence, this case.
6. Considering the material present in the case diary and after due consideration, I feel 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