

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 627 of 2019

- Dharmveer Minj S/o Nikodin Minj Aged About 39 Years Caste Uraon, Permanent R/o Narayanpur, Tahsil - Kunkuri, District Jashpur Chhattisgarh, At Present Nokari Place, Mahar Regiment Punjab.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station - Narayanpur, District-Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, 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.11/2019 registered at Police Station-Narayanpur, District-Jashpur(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. Prosecutrix is a 38 year old widow lady. As per the FIR, the prosecutrix and the applicant had relationship since 2015. The reason for lodging the FIR is only this, that the applicant has refused to marry her and refusing to marry is not

an offence, 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.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged on 31.1.2019 on the basis of the complaint filed by the prosecutrix, in which, it is alleged that since year 2015, the applicant had allured the prosecutrix with promise to marry her and has exploited her sexually on numerous occasions and, thereafter, he refused to marry her. Hence, this case.
6. After considering the nature of the case against the applicant, 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