

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 639 of 2019**

Manoj Kumar Rai S/o Arun Kumar Rai Aged About 25 Years R/o Village-
Bajarmuda, Thana And Tahsil- Tamnar, District- Raigarh, Chhattisgarh.,
District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Kharsiya, District- Raigarh,
Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Shri Aditya Sharma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.05.2019**

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. 152 of 2019, registered at Police Station – Kharsiya, District – Raigarh, Chhattisgarh for the offences punishable under Section 376(2)(n) 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 is a major lady aged about 28 year and she was the consenting party in the relation that has taken place between her and the applicant. The applicant was willing and is still willing to

marry the prosecutrix but their marriage shall not be accepted by the Gond Community to which both the parties belong. The minutes of the meeting of Gond Community is attached with the application according to which, the community has decided against the marriage of the applicant and the prosecutrix on the ground that gotra of both is same. 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. It is submitted that according to the statement given by the prosecutrix under Section 164 of the Cr.P.C. she clearly alleged that the applicant has raped her and exploited her sexually.

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

6. The prosecutrix has alleged in the FIR that since 14.2.2018, this applicant on pretext of marrying the prosecutrix has exploited her sexually and then finally, refused to marry her. Hence, this case.

7. Considering the nature of the case against the applicant and also the submission of the prosecutrix to the applicant during the relationship, 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