

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 688 of 2019**

Deepak Singh, S/o. Shri Vijay Singh, Aged About 43 Years, R/o. Lingiyadih, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through: Its Station House Officer, Police Station Seepat, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Saurabh Sharma, Advocate
For Respondent	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Mirza Keshar Beg

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/05/2019**

1. Apprehending arrest in connection with Crime No.150/2019, registered at Police Station – Seepat, District – Bilaspur (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The prosecutrix is major woman of age 32 years. Since about five years prior to the date of lodging of FIR, the applicant and the prosecutrix both have lived in together and have consensual relation between them. During that period she never had any complaint from the applicant. In the recent development, the FIR has been lodged only for the reason that the applicant has refused to marry the prosecutrix and refusing a person for marriage

is not an offence. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the objector after adopting the argument advanced by the State counsel submits that subsequent to the lodging of FIR, the applicant is still giving threats to the prosecutrix, regarding which she has made complaint to the police on which no action has been taken. Therefore, the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged, this applicant allured the prosecutrix with a false promise to marry her and have established physical relation with her. This continued on some time and on numerous occasion, the applicant has exploited the prosecutrix sexually and thereafter, has refused to marry her. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and the nature of allegation and also keeping in view the age of the prosecutrix and the long relation between the applicant and the prosecutrix, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram