

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 706 of 2019**

Shivkumar Sahu, S/o. Mahaveer Sahu, Aged About 44 Years, R/o. 8/53, Radhikanagar, Supela Bhilai, Police Station Supela, Tahsil and District Durg Chhattisgarh. Address Of Firm - Akriti Infrastructure Partnership Firm, Radhikanagar, Supela, Bhilai, District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station - Supela, Bhilai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Anusuiya Rajput, Advocate
For Respondent	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/05/2019**

1. Apprehending arrest in connection with Crime No.378/2019, registered at Police Station – Supela, Bhilai, District – Durg (C.G.) for offence punishable under Section 376, 506 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 a major woman of age 26 years. Even, if the. allegations are to be believed, then the relation between the applicant and the prosecutrix were consensual, therefore, no offence of rape is made out. On the other hand, the prosecutrix being an employee in the concern of the applicant committed defalcation and misappropriation of property and fund because of which, the applicant was compelled to file a complaint

before the Police Station 12.04.2019 praying for registration of offence against the complainant. As a counter blast, the complainant has filed this false complaint on 13.04.2019 on the basis of which, FIR has been registered against the applicant. 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. It is submitted that there is clear statement of prosecutrix as she was sexually exploited by the applicant by putting her under threat to remove her from her job and also to kill her. Therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecutrix has alleged in her complaint that after she joined the job in the concern of the applicant, the applicant firstly raped on 25.11.2017, thereafter, the exploitation continued by putting her under threat to remove her from her job and also by threat to kill her. This continued up till 08.03.2019 and thereafter, this FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. As there appears to be no specific reason as to why the FIR has been lodged so belatedly and also considering that submission made on behalf of the applicant can not be said to be without any substance, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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