

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 826 of 2019

- Vikas Pandey, S/o Shyam Moorat Pandey, Aged About 18 Years, R/o Village-Nawadeeh(Amethi),Police-Station-Chhura,District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Gariyaband, District-Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.
For Respondent : Mr. Lav Sharma, Panel Lawyer.
For Objector : Mr. Shivendu Pandya, Advocate.

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

25/06/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.120/2019 registered at Police Station- Gariyaband, Chhattisgarh for the offence punishable under Sections 376, 456 & 354 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 is aged about 21 years and she was having love affair with this applicant, who is younger in age since last two years, therefore, physical relation between both of them was consensual. After the discovery of the affair on 14.4.2019, the prosecutrix has lodged a false FIR against the

applicant under the pressure given by her parents, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that prosecutrix has given statement, that she was forcefully subjected to sexual intercourse by the applicant on number of occasions, therefore, he is not entitled for grant of anticipatory bail.
4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the applicant by putting the prosecutrix under threat has exploited her sexually on number of occasions, therefore, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. In the FIR lodged, it is alleged that this applicant allured the prosecutrix with promise to marry her and established physical relation with her since about two years prior to lodging of FIR. This continued on number of occasions. On 14.4.2019, the applicant visited the house of the prosecutrix, when she raised alarm and her parents and other family members arrived on the spot and caught hold of the applicant, thereafter, the FIR has been lodged.
7. On perusal of the case diary and the rejection order, it appears that the applicant has also lodged FIR against the parents and other family members of the prosecutrix for commission of offence of causing hurt etc. on the basis of which offence has been registered against them.
8. Considered that the prosecutrix is a major lady and the affair had continued for quite some times for about two years, before it was discovered on 14.4.2019, hence, under these circumstances, I am of this view that this is a fit case where the applicant should be enlarged

on anticipatory bail.

9. 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge