

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 783 of 2019

- Haresh Mali S/o Benudhar Mali Aged About 24 Years, R/o Hikmipara Ramaiya Ward, Jagdalpur, District-Bastar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Nagarnar, District-Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.

For Respondent : Mr. Aditya Sharma, Panel Lawyer.

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

04/07/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.115/2019 registered at Police Station- Nagarnar, District-Bastar(C.G.), for the offence punishable under Section 376 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 a major lady of age 27 years. Applicant and prosecutrix both had affair since about 5 years. The applicant has also married with the prosecutrix on 17.3.2019. However, the family members of the applicant had not agreed and quarreled with prosecutrix that is why the prosecutrix has lodged this false FIR, 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 on pretext of marriage, the applicant has sexually exploited the prosecutrix and then has deserted her, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged about 5 years prior to the lodging of FIR, the applicant without the willingness of the prosecutrix had physical relation with her and then this physical relation continued. After insistence of the prosecutrix, the applicant has performed marriage with her on 17.3.2019. The family members of the applicant and his relatives came and quarreled with the applicant and prosecutrix on 19-20.3.2019 because of which the applicant has gone in hiding that is why the prosecutrix had lodged FIR.
6. After considering the entire material present in the case diary and circumstances under which the relation was established between applicant and prosecutrix and also there is element of marriage present in this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
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