

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 804 of 2019

- Bharatlal, S/o Shri Ratthuram Sao, Aged About 24 Years, Caste-Teli, R/o Village Kudamkela, P.S. And Tahsil- Gharghoda, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- Dharamjaigarh, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Sharma, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

17/06/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.42/2019 registered at Police Station-Dharamjaigarh, District-Raigarh, (C.G.), for the offence punishable under Sections 506 & 376 of the Indian Penal Code and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix is a major woman of age 22 years and she had been a consenting party in the relation through out. The affair of applicant and prosecution started from the year 2016 and continued upto 2019 when the FIR was lodged. The only grievance of the

prosecutrix is this, that applicant has refused to marry with her and refusing to marry is not an offence. Similarly the allegation regarding insult on ground of the social status of the prosecutrix is also misconceived, hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the State opposes bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, the prosecutrix is a member of Scheduled Caste. The relationship developed between her and the applicant in the year 2016, in which, the applicant promised to marry the prosecutrix. After passing of time, the applicant has refused to marry the prosecutrix making a statement that she belongs to a lower caste. Hence, this case.
6. After considering the entire material present in the case diary and the nature of allegation against the applicant, it has appeared that the social status of the prosecutrix had not been a reason for the relationship that was established between the applicant and herself, therefore, after due consideration, I feel inclined to allow the application of this applicant.
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