

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 836 of 2019

- Amar Narayan Singh S/o Parshuram Singh, Aged About 33 Years, R/o Quarter No.G.-31, D.N. Colony, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station Kondagaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2019

1. Apprehending arrest in connection with Crime No.112/2019, registered at Police Station – Kondagaon, District Kondagaon, Chhattisgarh for offence punishable under Section 376 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. The fact is this, that, the applicant and the prosecutrix both have been living in relationships since the year 2017. The prosecutrix herself was a married woman, therefore, there is no question of promising to marry her. Further, the prosecutrix had earlier lodged one FIR against this applicant which was registered as Crime No.303/2018 in P.S. Kondagaon, in which she has named the applicant as her husband. It is admitted that the applicant and the prosecutrix both have disputes, therefore, on this basis, false allegations of rape have been made against this applicant. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant is a police official. He had after promising the

prosecutrix to marry her exploited her and then has refused to marry her. Hence, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, the prosecutrix is a woman deserted by her husband. Between the year 2015 to 2018 the applicant kept the prosecutrix as his wife in his official residence and had physical relation with her continuously, because of which she became pregnant and thereafter he has refused to marry her. Hence, the FIR has been lodged.

6. After considering the entire material present in the case diary, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge