

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 918 of 2019

- Ratnesh Singh Chouhan S/o Murari Lal Chouhan, Aged About 28 Years, R/o Tuman, Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. Police Station Frajarpur (Parpa), District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Ms. Madhunisha Singh, Advocate.

For Non-applicant/State – Mr. Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2019

1. Apprehending arrest in connection with Crime No.105/2019, registered at Police Station – Frajarpur (Parpa), District- Bastar, Chhattisgarh for offence punishable under Section 366, 294, 323, 376 and 506 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. The prosecutrix is a major woman of age about 24 years and she is a married woman. The allegation made by her that the applicant has exploited her sexually by making promise to marry her is baseless and improbable. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that according to the statement of the prosecutrix under Section 164 of the Cr.P.C. no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the applicant and the prosecutrix both were having relationship since about 3 years prior to the date of lodging of the FIR, 15-05-2019, during which period the applicant has exploited the

prosecutrix sexually on pretext that he will marry her. Hence, this case.

6. On perusal of the material present in the case diary and the documents filed along with the applicant, it appears that the prosecutrix is a married woman and there is divorce petition pending before the Family Court Jagdalpur. Therefore, after consideration on all the facts and circumstances of this case, 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