

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 935 of 2019

- Pradeep Kumar Singh, S/o Shri Rampyare Singh Aged About 29 Years
Caste- Kanwar, Occupation- Service, R/o Village- Darima, Police
Station- Darima, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Station House Officer, Police Station- Udaypur,
District- Surguja, Chhattisgarh., District : Surguja (Ambikapur),
Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Singh Rathore, Advocate.
For Respondent : Mr. Devendra Pratap Singh, Dy. Adv. General.
For Objector : Mr. Ajeet Kumar Yadav, Advocate.

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

01/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.48/2019 registered at Police Station- Udaypur, District–Surguja (C.G.), for the offence punishable under Sections 376(2) (ॐ), 294 & 506 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 presently aged about 25 years, therefore, at the time when physical relation was established between the applicant and the prosecutrix, she was major. Relationship of applicant with the prosecutrix was based on consent which continued for a sufficient long time i.e. about 5 years, and during

this period the prosecutrix never asked for marriage. Thus, the statement of the prosecutrix that she was physically exploited by the applicant on pretext of marriage is false and baseless. The applicant is the Police Constable and his position will be jeopardized, if he is arrested and placed in detention. 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 this applicant had obtained consent of the prosecutrix by deceitful manner, therefore, her consent cannot be said to be a free consent. Hence, the application be rejected.
4. After adopting the arguments advanced by learned State Counsel, it is submitted by the learned counsel for the Objector that the applicant continuously exploited the prosecutrix by promising that he will marry her in future because of which and on the asking of the applicant, the prosecutrix has even aborted her pregnancy that took place in between. Therefore, it is a clear case of sexual exploitation, hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, prosecutrix met with this applicant in the year 2013, and thereafter the applicant expressed his love for the prosecutrix and stated that he wants to marry her and then established physical relations with her. This continued for about five years i.e. up till 2018, and thereafter in the month of April, 2019 the applicant not only refused to marry with the prosecutrix but also abused and threatened her as a result of which FIR has been lodged in this case.

7. Considering that there had been a long relationship between the applicant and the prosecutrix and the reason for lodging of FIR is the refusal of applicant to marry the prosecutrix, I feel inclined to grant anticipatory bail to this applicant.
8. 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