

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 930 of 2019

- Ramesh Yadav, S/o Late Dinesh Yadav, Aged About 29 Years Caste-Yadav, R/o Village Kevdabadi, Bus Statnd, Indra Nagar, Road, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police-Station Patthalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

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

10/07/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.40/2019 registered at Police Station- Patthalgaon, District–Jashpur(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 25 years. In the statement of prosecutrix itself, it appears that there had been an affair of 4 years and the applicant has been implicated only for the reason, that he has refused to marry her, therefore, 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 applicant had obtained

consent of prosecutrix deceitfully by making a false promise to marry her.

4. Heard both the parties and perused the case diary.
5. According to the prosecution case, this applicant allured the prosecutrix with a false promise to marry her and got her submission for physical relation which continued for about 4 years and when the prosecutrix became pregnant, he has refused to marry her. Hence, this case.
6. Considering the age of the prosecutrix and length of relationship between applicant and prosecutrix herself, 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