

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 991 of 2019

- Ashok Yadav, S/o Hiralal Yadav, Aged About 30 Years, R/o Manjgaon Para, Kabir Ward, P.S. City Kotwali, Mungeli, District-Mungeli Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Police Of SC/ST Sub Superintendent of Police of City Kotwali, P. S. City Kotwali, District-Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pallav Mishra, Advocate.

For Respondent : Mr. Neeraj Pradhan, Panel Lawyer.

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

08/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.342/2019 registered at Police Station- City Kotwali, Mungeli for the offence punishable under Sections 376, 493 of the Indian Penal Code & 3(2) (5) of SC/ST (Prevention of Atrocities) Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant has infact married the complainant and kept her as his wife for about four years. It is a fact that the applicant was previous married by regarding which when the complainant came to know, she had quarreled with applicant, but the dispute was pacified and both of them started living together, however, when the applicant has stopped paying maintenance to the

complainant, she has lodged this false FIR making false allegation against the applicant, 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 the applicant has performed illegal marriage with the prosecutrix and has exploited her sexually, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged the applicant kept the prosecutrix as his wife in a rented house in the year 2014, thereafter he also performed the marriage in a temple. Soon after that the complainant came to know that applicant has already married and having two children. Therefore, the dispute arose which was pacified. After passing of four years the applicant has deserted her and stopped giving her maintenance that is why FIR has been lodged.
6. After considering all the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha