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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1009 of 2019

- Dhananjay Chaturvedi S/o Brijendra Narayan Chaturvedi, aged about 28 years, Occupation Student, R/o Qr. No.1/C-54, SECL Colony, Bishrampur (wrongly mentioned as One C Colony 54) Police Station Bishrampur, Tahsil and District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, Through Station House Officer, Bishrampur, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri A.K. Prasad, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2019

1. Apprehending arrest in connection with Crime No.133/2019, registered at Police Station – Bishrampur, District Surajpur, Chhattisgarh for offence punishable under Section 366 and 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. The prosecutrix at present is of age about 30 years. The applicant and the prosecutrix both were having relationship since the year 2010. The applicant had never promised the prosecutrix that he will marry her. However, she has become aggrieved because of marriage of the applicant and has lodged this FIR. Hence, 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 submitting that according to the statement given by the prosecutrix, the applicant had obtained submission of the prosecutrix for physical relation in deceitful manner by promising to marry her. Therefore, 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 FIR lodged, the prosecutrix met with the applicant in the year 2010 and thereafter the relationship developed between them. The prosecutrix firstly refused to have physical relation with the applicant, but, when the applicant promised that he will marry her in future she submitted and this relationship continued for quite some time. It is alleged that the prosecutrix became pregnant three to four times and on each occasion her pregnancy was forcefully aborted by the applicant. The applicant has married with another girl on 15-05-2019. Thereafter, this FIR has been lodged.

6. There had been a long relationship between the applicant and the prosecutrix and the prosecutrix has lodged the FIR only when the applicant performed marriage with another girl, hence, on the basis of these facts and circumstances, 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

Aadil