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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1006 of 2019**

Krishna Singoar S/o Suresh Chandra Singoar Aged About 28 Years R/o Ward No. 50, Plot No. 59, Banshi Vihar, Borsi Durg, Out Post Padmnabhpur, P.S. Durg, Tahsil And District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bhilai Nagar, Civil And Revenue District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Sudhir Kumar Verma, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 162 of 2019, registered at Police Station – Bhilai Nagar, District Durg, Chhattisgarh for the offence punishable under Section 376 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is aged about 24 years and she had been a consenting party throughout. There had been an affair between the applicant and the prosecutrix for about 4 years. Only for the reason of disagreement of the parents of the applicant and the

prosecutrix to negotiate the marriage, the FIR has been lodged. Subsequently, the applicant had married the prosecutrix in Arya Samaj, Durg regarding which, a certificate has been produced and in support of the same, the prosecutrix has also filed an affidavit. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant on pretext of marrying the prosecutrix had exploited her sexually for about four years and thereafter, he refused to marry her. Hence, this case.

7. After considering all the facts and circumstances and particularly, perusing the marriage certificate of the applicant with the prosecutrix and the affidavit given by the prosecutrix, I feel inclined to grant anticipatory bail to the 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 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. He 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 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