

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1003 of 2019

- Rupendra Kumar Sahu S/o Ravindra Kumar Sahu Aged About 24 Years
Caste Teli, R/o Village Banskot, Tahsil Vishrampur, Police Station
Vishrampur, District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Nagari, Civil And Revenue District Dhamtari Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Goutam Khetrapal with Mr. Sanjay Kumar Agrawal , Advocates.
For State/respondent	: Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2019

Heard.

1. Apprehending arrest in connection with Crime No.50/2019, registered at
Police Station– Nagari, Civil & Revenue, District- Dhamtari,
Chhattisgarh for offence punishable under Sections 376, 366, 313, 506,
323, 294 of the I.P.C., the applicant has preferred this application for
grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that no case is made
out against the applicant. The prosecutrix in this case has lodged a false
F.I.R. on account of some misunderstanding between her and the
applicant, in fact, the applicant and the prosecutrix both have loved each
other. Subsequent to the lodging of F.I.R., they have married and are
living together happily. Hence, it is prayed that this applicant is entitled
for grant of anticipatory bail.

3. Learned counsel for the State opposes the application and submits that according to the statement of prosecutrix given earlier to the police, no case is made out for grant of anticipatory bail. Therefore, he is not entitled for grant of anticipatory bail.
4. The prosecutrix present in person has made a statement that she has no objection in grant of anticipatory bail to the applicant and that she is now living a married life with the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the applicant on pretext that he will marry the prosecutrix has exploited her sexually since September, 2017. Subsequently, when the applicant refused to marry the prosecutrix, the F.I.R. has been lodged.
7. Considering on the prosecutrix present before the Court had made a statement that she has no objection for grant of anticipatory bail to the applicant and also she has married the applicant and is living together with him, I feel inclined to allow this application.
8. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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

Monika