

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1046 of 2019

Kishore Kumar Rawlani S/o Late Adialmal Aged About 42 Years R/o Vikas Nagar, Ward No. 13, Chakarbhatha Camp, Police Station- Chakarbhatha, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Chakarbhatha, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Suryakant Mishra, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

08.08.2019

1. This is first application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 05/2016 registered at Police Station- Chakarbhatha, District Bilaspur (C.G.), for offence punishable under Section 376 of IPC.
3. Case of the prosecution, in brief is that prosecutrix is about 35 years of old. She is resident of Tifra, Bilaspur. There was love affair between her and applicant. She lived with him as wife in his house. They also lived together as husband and wife. Since seven years back onwards he committed repeatedly sexual intercourse with her.
4. Counsel for the applicant submits that the applicant has innocent and falsely implicated in the present case, therefore, he may be granted anticipatory bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submitted that two other criminal cases have been registered against the applicant under Sections 107 and 116 of

CrPC.

6. As per the affidavit dated 01/05/2019 which is part of the anticipatory bail application prosecutrix had stated that applicant had not committed sexual intercourse with her on pretext of marriage. She does not want any action against the applicant.
7. Looking to above mentioned facts and circumstances of the case, this Court is inclined to give benefit of Section 438 of the Cr.P.C. to the present applicant.
8. Consequently, the MCRCA is allowed.
9. 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 concerned police officer as and when required;
 - (ii) that the Applicant shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witness.
 - (iii) the Applicant shall appear before the concerned Court by 11 am on each and every date given to him by the said Court till disposal of the trial.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE