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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1031 of 2019**

Tarni Sen Yadav S/o Bhuneshwar Yadav Aged About 38 Years R/o Village Dhanagar, Tahsil And District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Farasgaon, District Kondagaon Chhattisgarh.

---- Respondent

For the Applicant : Shri Bharat Rajput, Advocate.
For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.09.2019**

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. 36 of 2019, registered at Police Station – Farasgaon, District – Kondagaon, Chhattisgarh for the offences 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 present age of the prosecutrix is 29 years. The applicant and the prosecutrix had a relationship since the year 2011 which continued for sometime. Thereafter, the prosecutrix got married to one Durga Prasad but the relation of the applicant and the prosecutrix

continued, however, the prosecutrix and her husband have taken divorce. Only for the reason that the applicant has discontinued with this relationship, this false FIR has been lodged which is without any substance. 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. It is submitted that the prosecutrix has made numerous efforts for getting FIR lodged against the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the prosecution case, this applicant on pretext that he will marry the prosecutrix established physical relation with her in the year 2011. As the applicant did not marry the prosecutrix, she married to one Durga Prasad as her family members wanted it. It is alleged that this applicant then informed the husband of the prosecutrix about his relation with the prosecutrix because of which, the marriage of the prosecutrix could not continue and her husband has divorced her. Subsequent to that, the applicant again continued with the relationship on promise that he will marry her and then he has not married her. Hence, the FIR has been lodged.

7. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C. that the relationship has continued steadily since the year 2011 and was not disrupted even after the marriage of the prosecutrix and thereafter, when the prosecutrix was divorced this applicant has continued that relationship, therefore, looking to the circumstances of this case, 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. 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 them 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