

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1094 of 2019

- Rajinder Singh @ Rinku, S/o Gurubhej Singh, Aged About 40 Years, R/o Village Sambalpur, Tahsil Nawagarh, District-Bemetara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Nandghat, District-Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Goutam Khetrapal, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. Adv. General.
For Objector	:	Mr. K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/07/2019

1. This is the first bail application of this applicant. He has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.197/2019 registered at Police Station-Nandghat, District-Bemetara(C.G.), for the offence punishable under Section 498-A & 377 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The marriage of the applicant with complainant Gurjeet Kaur took place on 30.4.2004 and after the marriage, everything was going on well. The complainant herself

misbehaved with the parents of the applicant because of which the applicant and complainant started living separately. Even then there was no change in the behaviour of the complainant and she continued to misbehave with mother of the applicant because of which one complaint was lodged with the police on 10.11.2008. The applicant has again informed the police on 12.10.2018 regarding the conduct of the complainant and the incident of quarrel. The complainant then left the matrimonial home on 9.4.2019 threatening that she will implicate the applicant and others in false criminal case. Thereafter, the dispute was settled temporarily between both the parties and the complainant came back to reside with the applicant. However, the complainant again left the house of the applicant on 13.5.2019 with cash Rs.2 lakhs and jewelry regarding which information was given to the police on 14.5.2019. Subsequent to that, a false report has been lodged on 18.5.2018. The allegation leveled by the complainant against the applicant regarding commission of unnatural sexual intercourse with her is totally false and concocted, which does not find mention in the other applications filed by the complainant in the Court where she made prayer under Section 125 of CrPC. Therefore, on this basis, it is prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has made very serious allegations against the applicant regarding cruel treatment to which she was subjected and regarding forceful unnatural sexual intercourse being committed by applicant with her, therefore, it is not a fit case for grant of anticipatory bail.

4. Learned counsel for the Objector after adopting arguments advanced by State counsel has submitted that in the investigation made, there is clear evidence of examining doctor, who has reported that the complainant was subjected to unnatural sexual intercourse, therefore, applicant is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to FIR lodged, the marriage of applicant with complainant took place about 15 years back. It is alleged that just after one year of marriage, the applicant started torturing the complainant on various pretext, physically as well as mentally. It is alleged that the applicant used to display obscene videos on mobile phone to the complainant and without her consent and willingness he used to perform unnatural sexual intercourse with her. Hence, this FIR has been lodged.
7. On perusal of the contents of the case diary, it appears that the prosecutrix has given statement in support of the FIR lodged and the medical evidence regarding unnatural sexual intercourse is also positive, thereafter, after overall consideration, it appears that no case is made out for grant of anticipatory bail.
8. Accordingly, this second anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge