

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1099 of 2019**

Moin Khan, S/o. Abdul Jalil, Aged About 30 Years, R/o. Milan Chowk, Near Ramesh Betel Shop Camp - 2, Police Station - Chhawani, District Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station - Chhawani, District - Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent	: Mr. Neeraj Pradhan, P.L..
For Objector	: Mr. Arvind Dubey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2019**

1. Apprehending arrest in connection with Crime No.374/2019, registered at Police Station – Chhawani, District – Durg (C.G.) for offence punishable under Section 376, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The prosecutrix is 26 years old woman and she had been a consenting party in the relationship that happened between the applicant and the prosecutrix. Further the applicant and the prosecutrix both have compromised, therefore, she is present before the Court to make a statement before this Court. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, no case is made out for grant of anticipatory bail.
4. Prosecutrix/complainant is present in person along with Mr. Arvind Dubey, Advocate. She has made statement that she has no objection in grant of anticipatory bail to the applicant for the reason that the applicant has agreed to marry her.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, this applicant on the pretext that he will marry the prosecutrix has exploited her sexually for about 5 - 6 months and thereafter, he has refused to marry her.
7. Considered the submissions made and the contents of the case diary. After considering on the submissions made by the counsel for both the sides and also for the statement given by the prosecutrix herself, who is present before this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram