

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1174 of 2019**

- Chunni Lal Tandon S/o Tirith Das Tandan Aged About 29 Years (Wrongly Written 39 In Impugned Order) R/o H. I. G. 16, Parijat Castle, Bilaspur District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Mahila Thana Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Sumit Singh Rathore and Shri Sameer Oraon, Advocates.
For Objector	: Ms. Nirupama Bajpai, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**29/08/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 19/2019 registered at Police Station Mahila Thana, Bilaspur, District – Bilaspur, (C.G.). for the offence punishable under Section 376 of IPC.
2. In this case, prosecutrix is a married lady aged about 37 years. On 01.07.2019, she made a written report alleging therein that she met with the Applicant two years ago through facebook. At that time, present Applicant was working as Assistant Registrar at Atal Bihari Vajpayee University. One day, present Applicant called the prosecutrix in his house saying that he would provide job to her and committed rape with her. Thereafter, he fill vermilion on her head saying that he would marry her. After that they started residing in a rented house where the Applicant developed physical relationship with the prosecutrix several times. When Applicant came to know that

prosecutrix is already a married lady, then he refused to stay with her. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that Applicant is a married man, he got married on 11.12.2016 and on 12.12.2016, he updated his facebook profile picture and put his status as 'got married'. Applicant again updated his marriage pictures on 28.05.2017 which is annexed as A-2 and A-3. He also submits that prosecutrix is known to the family members of the Applicant. Prosecutrix herself is a married lady having a 9 year old daughter and has not taken divorce from her husband. Prosecutrix was also aware about the fact that Applicant is a married man. It is further submitted that prosecutrix is 10 years older than Applicant. If the entire case is taken as it is, it seems that prosecutrix herself had developed extra marital relationship with the Applicant. Earlier, on 11.04.2019, prosecutrix made a complaint, annexed as A-9 to the Vice-Chancellor of the University. Later on 18.06.2019, she withdrew the said complaint annexed as A-10 where she has mentioned that she made a false complaint against the Applicant which was supported by affidavit of the prosecutrix herself. From the above, it is clear that Applicant has been falsely implicated in the case. Applicant is a reputed person and prima facie, no offence can be made out against him. Therefore, he may be granted anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the entire material present in the case diary, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge