

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1208 of 2019

- Preetam Singh, S/o Late Barat Ram, Aged About 24 Years, Caste Gond, R/o Village Jarhi, Police-Station-Bhatgaon, Tahsil- Pratappur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District-Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Aditya Chopda, Advocate.

For Respondent : Mr. Jitendra Shukla, Panel Lawyer.

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

05/09/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.104/2019 registered at Police Station- Bhatgaon, District-Surajpur, Chhattisgarh for the offence punishable under Sections 294, 323, 506, 376 of IPC.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Prosecutrix is a major woman of age more than 20 years. The applicant and the prosecutrix both have lived in relationship for some time, thereafter, this FIR has been lodged only because of applicant has refused to marry the prosecutrix, therefore, it is prayed that he may be enlarged on anticipatory bail
3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that the applicant has obtained

the consent of prosecutrix by deceit, therefore, he is not entitled for grant of anticipatory bail.

4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the prosecutrix stating, that this applicant used to propose his love for her and also his intention to marry her, thereafter on the basis of the inducement given by this applicant, the prosecutrix went to live with applicant in his place where both of them living for about 6 to 7 months and had physical relation, subsequently the applicant has refused to marry the prosecutrix.
6. After considering all the facts and circumstances of this case, that the prosecutrix is a major woman and she had resided with the applicant in relationship for considerable time, therefore, for this reason, I feel inclined to allow the application of this applicant.
7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha