

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1233 of 2019**

Pushpendra Bhusakhare S/o Puhup Singh Aged About 37 Years R/o Anushtha Residency, Junwani, Bhilai, Smriti Nagar Chowki, Police Station - Supela, Tahsil And District - Durg Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri C.B. Kesharwani, 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. 621 of 2019, registered at Police Station – Supela, District – Durg, Chhattisgarh for the offence 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 age of the prosecutrix is 39 years. The applicant and the prosecutrix got acquainted about 1 ½ years prior to lodging of FIR and thereafter, a friendship was developed between them because of

which, this applicant has helped the prosecutrix on number of occasions by providing her some finance and other services, however, the prosecutrix continued to make demands from the applicant. The applicant was not aware that the prosecutrix is a divorcee and having two children. The prosecutrix has made totally false allegations only for the reason that the applicant got engaged for marriage. 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 there is evidence that this applicant has exploited the prosecutrix sexually on pretext of marrying her. 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, about 1 ½ years prior to lodging of FIR the applicant got acquainted the prosecutrix on pretext that he will marry her in future, he established physical relation with her and this continued on number of occasions. The applicant also performed a fake marriage with the prosecutrix and whenever she used to ask for performing marriage the applicant kept stalling. Subsequently, when the prosecutrix came to know that the applicant has decided to marry some other girl for which she lodged FIR.

7. It is found that there had been constant relationship between the applicant and the prosecutrix for sometime and that the FIR has been lodged

when the applicant got engaged for marriage somewhere else, therefore, 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