

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1226 of 2019

- Bharat Bajaj S/o Bhawan Das Aged About 48 Years R/o Rajendra Nagar Chowk, Police Station Civil Line, Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ajak, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Prakash Jaiswal & Mr. Vipin Panjabi,
Advocates.

For Respondent : Mr. Priyanshu Gupta, Panel Lawyer.

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

27/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.02/2019 registered at Police Station- AJAK, Bilaspur, Distt - Bilaspur, Chhattisgarh for the offence punishable under Section 376 of Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The prosecutrix is presently 34 years old. When she met with applicant, she has completed 18 years of age and thus attained majority. Allegation made by the prosecutrix is totally false and improbable. Even if it is argued that the prosecutrix and the applicant

had relationship, then it was with the consent of each other. The prosecutrix has also given birth to a child in the year 2011, however, this applicant has denied his parenthood for the reason that prosecutrix is now married to some other person. Hence, the FIR is without any basis and therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that according to the statement given by prosecutrix, no case is made out for grant of bail. Since the prosecutrix is the member of Scheduled Caste, this anticipatory application cannot be entertained in view of the bar under Section 18 of SC/ST Prevention of Atrocities Act.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix and the applicant got acquainted to each other in the year 2004. It is alleged that the applicant on pretext that he will marry the prosecutrix, established physical relation with her which continued for a considerable time and as a result she became pregnant and gave birth to a child. It is alleged that when applicant refused to marry her, she has lodged FIR on 29.6.2019. Hence, this case.
6. As it is evident that it is a case of 15 years old love affair and during this long period the prosecutrix never insisted applicant to marry her, therefore, after considering on all the facts and circumstances of this case, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
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