

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1240 of 2019**

Jagdish Ram Yadav S/o Kedarnath Yadav Aged About 28 Years Caste Mahkul R/o Village Chatakpur, Tahsil Duldula, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jashpur, District Jashpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Samir Singh, Advocate on behalf of Shri Manoj Chauhan, Advocate.
For the Respondent/State	:	Shri Sanjay Pathak, 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. 196 of 2019, registered at Police Station – Jashpur, District – Jashpur, Chhattisgarh for the offences 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. No case is made out against the applicant regarding the commission of offence of rape. The prosecutrix is a major woman of age 23 years, she had been a consenting party and the

relationship between the applicant and the prosecutrix continued for sometime. 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 the applicant had obtained the consent of the prosecutrix by deceit and by promising to marry her which he never performed. 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, the applicant and the prosecutrix got acquainted in the year 2016 and thereafter, they met with each other, then the applicant promising to marry her had physical relation with her. This continued for sometime and thereafter, the applicant has refused to marry the prosecutrix. Subsequently, the prosecutrix filed a complaint before the Collector, in that proceeding, the applicant promised that he will marry the prosecutrix for which the date was fixed on 11.7.2019. The prosecutrix kept waiting but the applicant did not come there. Hence, the FIR has been lodged.

7. After due consideration of all the material and looking to the fact that the relation between the applicant and the prosecutrix has continued for sometime, 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