

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1256 of 2019

- Ejekiel Minj S/o Jeferious Minj Aged About 30 Years R/o Balaji Kaiwalya Park, House No. 76, Kumhari, Police Station Kumhari, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri P. Chetan Kumar, Advocate.

For Respondent/State : Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14/10/2019

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. 327/2019 registered at Police Station Kotwali, Raipur, District – Raipur, (C.G.). for the offence punishable under Section 376 of I.P.C.
2. In this case, age of the prosecutrix is about 25 years, presently working as a constable in Police Department. On 07.07.2019, she made a report against the present Applicant alleging therein that both Applicant and prosecutrix were residing in the same campus and since 2009-2010, present Applicant on the pretext of marriage, committed sexual intercourse with the prosecutrix on the various occasions. Thereafter, Applicant refused to perform marriage with the

prosecutrix. 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, just in order to perform marriage, prosecutrix is pressurizing the Applicant and has made false allegation against him. Thus, *prima facie*, no case is made out against the present Applicant. He further submits that prosecutrix is a well-matured 25 years women, who is employed in Police Department and she is intensionally implicating the Applicant in the present case. Applicant is a Bank employee and currently posted in State Bank of India and therefore, there is no chance of absconding.
4. Learned Counsel appearing for the State opposes 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 fact that incident took place during 2009-2010 and prosecutrix is a police constable, 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

Prakash