

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1304 of 2019

Kuleshwar Prasad S/o Budhram Senkar, aged about 38 years working as Assistant Sub Inspector, Police Station Bhansi, District North Bastar, Dantewada (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Dantewada, District Dantewada (C.G.)

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent	:	Ms. Smita Ghai, PL
For Objector	:	Mr. Vikash Pandey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 78/2019 registered at police station Dantewada, District Dantewada (C.G.) for the offence punishable under Sections 294, 323, 493, 376 of the Indian Penal Code.
2. In this case the age of the Prosecutrix was about 33 years at the relevant time. She is a divorced lady. Her marriage was solemnized in the year 2008 with one Tameshwar and she got divorced in the year 2012. On 12/07/2019, a complaint has been lodged by the Prosecutrix against the Applicant alleging therein that after her marriage, the Applicant used to come to her house and used to tell her that he wants to marry with her, which resultantly created dispute between her and

her and her husband, and they got separated. It is also alleged that on the pretext of marriage, the Applicant had been committing sexual intercourse with her since 2010. Now he has refused to marry with her.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. No offence is made out against the Applicant. He further submits that if the entire case is taken as it is, yet it seems that the Prosecutrix, who is a major lady aged about 33 years, was the consenting party in the alleged act. He prays that the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State and Objector opposed the bail application.
5. I have heard counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

9. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul