

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1288 of 2019**

- Dr. B. K. Banerjee S/o Late Shri P. K. Banerjee, Aged About 52 Years R/o Green Enclave, C-1 Koni, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Prateek Sharma, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.
For Objector	: Shri Sangeet Kumar Kushwaha, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****17/10/2019**

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. 207/2019 registered at Police Station Koni, District – Bilaspur, (C.G.) for the offence punishable under Sections 376 (2)(d), 354 (D) of Indian Penal Code.
2. In this case Applicant is a Doctor and prosecutrix is also a Doctor, aged about 35 years. On 18.07.2019 prosecutrix lodged an F.I.R. alleging therein that on 29.05.2019, present Applicant committed forcible sexual intercourse with her in her house. On the basis of the said report, 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 due to some dispute with the prosecutrix. He further submits that incident is of 29.05.2019 and F.I.R. was lodged on 18.07.2019 i.e. after a gap of about one and half months. Before lodging of F.I.R., on 17.06.2019 prosecutrix made a written complaint to the Vishakha Committee, annexed as Annexure A-1, and in the said written complaint, prosecutrix has not mentioned anything regarding the incident of rape with her on 29.05.2019. Thus, *prima facie*, it is established that later on Applicant has falsely been implicated by the prosecutrix. Learned Counsel also submits that Applicant is a reputed Doctor and Class I Government employee and there is no likelihood of his absconding. Therefore, Applicant may be granted the benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose 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 facts and circumstances of the case and particularly considering the fact that prosecutrix in her written complaint dated 17.06.2019 before Vishakha Committee, has not mentioned anything regarding rape with her on 29.05.2019, 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