

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1282 of 2019

- Ayodhya Chandrakar S/o Parasram Chandrakar Aged About 53 Years R/o Bhartara, Police Station Bemetara, District Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bemetara District Bemtara Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate.
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For Respondent/State	: Ms. Smriti Shrivastava, Panel Lawyer.
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Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 278/2016, registered at Police Station Bemetara, Distt. Bemetara, Chhattisgarh for the offence punishable under Sections 376 & 506 (B) of the IPC.
2. In this case, the prosecutrix is a married lady aged about 36 years. As per prosecution story, on 02.06.2016, she lodged a written complaint in police station alleging therein that on 23.02.2016 and prior to that also from last two years, the applicant used to come her house frequently, committed sexual intercourse with her and also threatened to defame her. She further stated in her complaint that on 23.02.2016 also, the applicant did the same thing and threatened her to kill. On the basis of said complaint, offence has been registered against the applicant.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated by the complainant/prosecutrix in the present case. She further submits that earlier also on 09.06.2015, the prosecutrix made a complaint before police station in which she made allegations against the sons of the applicant. The sons of the applicant also made a complaint against the prosecutrix, on the basis of which a separate offence has been registered. Thereafter, prosecutrix entered into compromise with the sons of the applicant and filed compromise application before the learned Chief Judicial Magistrate, Bemetara. In support of her application, she has also submitted an affidavit in which she specifically stated that due to tiff between her and sons of the applicant, she had lodged the report. Thereafter, on 23.03.2016, the complainant/prosecutrix made a written report against the applicant alleging therein that without her willingness, the applicant used to commit sexual intercourse with her for last so many days. Thereafter, the complainant/prosecutrix again made an application before Superintendent of Police, Bemetara in which she specifically stated that she does not want to take any action against the applicant due to love affair between them. Thus, in the aforesaid circumstances, it is clear that the applicant has not committed any offence and he has falsely been implicated in the present case. The applicant being a political person, therefore, to ruin his reputation, the complainant/prosecutrix lodged the false report repeatedly against the applicant. It is further submitted by the learned Counsel for the Applicant that being aggrieved by the registration of offence under Sections 376 & 506 (B) of the IPC, the applicant had filed an application under Section 482 of Cr.P.C. bearing CRMP No. 732/2016 for quashing of FIR before this Court, in which this Court has stayed the proceedings in crime no. 278/2016 i.e. the present case. She lastly submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.

6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that earlier also, the prosecutrix made allegations against the applicant and later on she withdrew the same. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- 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.

Sd/-

(Arvind Singh Chandel)
Judge