

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1293 of 2019

Lukesh @ Bhaskar Kurre S/o Kunwar Lal Kurre, aged about 25 years R/o Village Barda, Police Station Kasdol, Tahsil Balodabazar, District Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Chowki Lawan, Police Station Kasdol, District Balodabazar- Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Ashok Kumar Shukla, Advocate
For Respondent	:	Ms. Shriya Mishra, PL

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. 465/2019 registered at police station Chowki Lawan, P.S. Kasdol, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 376 & 450 of the Indian Penal Code.
2. In this case, the Prosecutrix is *Bhabhi* of the Applicant. On 18/07/2019, she made a report alleging therein that on 10/07/2019 when she was alone at her house, the Applicant came there and committed forcible sexual intercourse with her. Later on, when her in-laws and husband came, she narrated the whole incident to them and thereafter, the matter was reported.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He is a

student of LLB 2nd year. The Prosecutrix is suffering from mental ailment, therefore, she lodged false report against the Applicant. It is further submitted that the Prosecutrix has settled the matter with the Applicant and has deposed in her affidavit that due to some dispute, she made a false report against the Applicant. She also stated that she has no objection, if the bail is granted to the Applicant. In these circumstances, counsel for the Applicant prays that the Applicant may be granted benefit of anticipatory bail.

4. On the other hand, learned counsel appearing on behalf of the State 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, particularly considering that both the parties have settled their matter and in her affidavit, the Prosecutrix stated that she has no objection, if bail is granted to the Applicant, 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