

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1325 of 2019

Kamlesh Kumar Sonwani S/o Shri Bahadur Singh Sonwani, aged about 30 years, Occupation- Service R/o Village Dhangudra, Post Karmoti, Thana & Tahsil- Bhanupratappur, Civil & Revenue Distt. North Bastar, Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, police Station Bhanupratappur, Civil and Revenue Distt. North Bastar, Kanker (C.G.)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 135/2019 registered at police station Bhanupratappur, Distt. North Baster, Kanker (C.G.) for the offence punishable under Sections 376 & 506 of the Indian Penal Code.
2. In this case, the age of the Prosecutrix was about 23 years at the relevant time. She made a written report on 24/07/2019 with the averment that in the year 2016, she along with her family had shifted at Bhanupratappur. Later on, in the year 2017, when she was going to computer center, the Applicant met her and taken her to a govt. quarter at Dalli Road and developed physical relation with her. When she raised objection, he promised her to marry. In the meeting with her family members, he accepted the relation and executed agreement for

marriage, but now he has refused to marry with her. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. Prima-faice no offence under Section 376 of the IPC can be made out against the Applicant. He further submits that if the entire case of the prosecution is taken as it is, yet the Prosecutrix who is a major lady, was the consenting party. He further submits that the incident is of the year 2017 and the report has been lodged in the year 2019. He prays that in these circumstances 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 the incident is of the year 2017 and the report has been lodged in the year 2019, without further commenting on other merits 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