

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1364 of 2019

- Avinash Khobragade S/o Shri Vinayak Rao Khobragade Aged About 23 Years R/o 221/3, Ambedkar Nagar, Supela, Bhilai, Tehsil and District - Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Supela, Bhilai, District - Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Punit Ruparel, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14/11/2019

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 475/2019 registered at Police Station Supela, Bhilai, District – Durg, (C.G.) for the offence punishable under Sections 376, 506 of Indian Penal Code.
2. Facts of the case in brief is that, on 29.04.2019 a written complaint has been made by the prosecutrix, aged about 23 years, alleging that in the year 2016, she was having love affairs with the applicant and they were ready to marry each other. Applicant also introduced the prosecutrix with his parents. It is alleged that applicant on the pretext of marriage, committed sexual intercourse with the prosecutrix and due to that she got pregnant and thereafter, the applicant caused her abortion through medicine. Thereafter, applicant refused to marry with

the prosecutrix. It is further alleged by the prosecutrix in the written complaint that applicant used to upload her photos in the facebook and thereafter, use bad comments on her photos. Also, applicant used to threaten her to kill her. On the basis of the said, 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. He further submits that applicant and prosecutrix both have love affairs and they were ready to marry each other but when some dispute arise between them, then prosecutrix made a fake facebook ID of sister, mother and father of the applicant and used to post vulgar messages and shameless photos in the facebook. Thereafter, mother of the applicant made a written report in this regard and on the basis of the said, offence has been registered against prosecutrix. She (prosecutrix) also got bail from the competent Court in the said case. It is further submitted that for taking revenge, prosecutrix has falsely implicated the applicant in the present case. If the entire story is taken as it is, it seems that prosecutrix was a consenting party in the alleged act. It is further submitted that incident took place between 2016-2018 and written complaint was made by the prosecutrix on 29.04.2019. *Prima facie* no case is made out against present Applicant. Therefore, he may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes 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, considering the fact and circumstances of the case and particularly considering the facts that incident occurred between 2016 to 2018 and complaint was made on 29.04.2019, also prosecutrix is a major lady and prior to this case, mother of the present applicant has lodged a complaint against the prosecutrix, therefore, 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