

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1345 of 2019

- Manoj Vaishnav S/o Ashwani Vaishnav Aged About 34 Years R/o Village Barela, Police Station Jarahagaon, Tahsil Civil And Revenue District- Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Acting Through Officer-In-Charge Police Station- Jarhagaon, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devesh G. Kela, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/11/2019

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. 173/2019, registered at Police Station Jarahagaon, Distt. Mungeli (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
2. In this case, age of the prosecutrix is about 22 years. As per prosecution story, on 23.07.2019, the complainant/prosecutrix made a report before concerned police station alleging therein that there was a love relationship between the applicant and the prosecutrix, on the pretext of marriage, the applicant committed sexual intercourse with her thereafter, marriage of the prosecutrix has been fixed from another person then the applicant disclosed the fact that he is already married and he is a father of two children due to this a

dispute has been taken place between them. On 25.03.2018, the prosecutrix got married with one Buddheshwar. Allegedly, after the marriage, the applicant went to her husband's house and committed forcefully sexual intercourse with her and when the husband of the prosecutrix came to know this fact he has given divorce to the prosecutrix. It is further alleged that after divorce prosecutrix started living in her father's house and there also the applicant came to her father's house and committed forcible sexual intercourse with her. On the basis of report lodged by the prosecutrix, 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 in the present case. He further submits that the prosecutrix is a major lady and if the entire story taken as it is, it seems that the prosecutrix was a consenting party in the alleged act, therefore, no case under Section 376 of the IPC can be made out against the applicant. He finally 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 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 the prosecutrix is a major lady and after two years of the incident, the FIR has been lodged. Without further commenting on other 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 made 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