

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1361 of 2019

- Vikas Jaiswal S/o Shri Ravi Prakash Jaiswal Aged About 25 Years Caste-Baniya, R/o Village Chikanipara, P.S. Bagbahar, District- Jasphur, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Neeraj Kumar Mehta, Advocate.

For Respondent/State : Smt. Smita Ghai, 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. 28/2019 registered at Police Station Mahila Thana, Ambikapur, District – Surguja, (C.G.) for the offence punishable under Section 376(2)(N) and Section 313 of Indian Penal Code.
2. Facts of the case in brief is that, in the year 2017 present applicant used to reside alongwith his friend Prashant Prajapati on rent in the house of the prosecutrix. After some time, love affairs developed between the applicant and prosecutrix and due to that applicant continuously developed sexual intercourse with the prosecutrix on pretext of marriage. It is alleged that in the year 2018 prosecutrix got pregnant and thereafter, the applicant caused her abortion through medicine. Thereafter, applicant refused to marry with the prosecutrix.

On 31.07.2019, report was lodged by prosecutrix and 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 had never enticed the prosecutrix to marry with him. Prosecutrix is a major girl and is consenting party. She has also not disclosed the fact regarding her pregnancy to the applicant. It is further submitted that incident occurred in the year 2017 and F.I.R. has been lodged in the year 2019. Therefore, it is prayed that applicant 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 fact that incident occurred in the year 2017 and F.I.R. has been lodged in the year 2019, 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