

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1378 of 2019

- Sunil Kumar Jangde S/o - Shri Heera Lal Jangde Aged About 31 Years R/o - Village Piparhatta, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Mr. BP Banjare, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.
For Objector	: Mr. Aman Sharma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/10/2019

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. 256/2019, registered at Police Station City Kotwali, Distt. Bilaspur, Chhattisgarh for the offence punishable under Sections 365 & 376 (B) of the IPC.
2. In this case, the prosecutrix is a lady aged about 27 years. On 28.07.2019, the prosecutrix lodged a report in police station alleging therein that on 16.04.2018 she got married with the applicant in Arya Samaj thereafter they were separated. It is alleged that on 08.07.2019, the applicant came to the prosecutrix and quarrel with her, after which they went for Raipur on the vehicle of prosecutrix

and there they stayed at Surpreet Hotel where the applicant committed sexual intercourse with the prosecutrix and the very next day applicant brought prosecutrix back to Bilaspur. On the basis of said background, offence has been registered.

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 virtually the prosecutrix is a legally wedded wife of the applicant, after their marriage, due to some dispute between them they were separated but still, at present, she is her wife though an application under Section 11 of the Hindu Marriage Act has been filed by the prosecutrix for null and void of the marriage but, there is no decree has been passed yet. He further submits that the Applicant has also filed an application under Section 9 of the Hindu Marriage Act for conjugal right of marriage which is also pending. He lastly submits that since, the prosecutrix is a legally wedded wife of the Applicant, therefore, no offence can be made out against the Applicant.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both 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 in the report of prosecutrix she herself admitted the fact that she got married with the Applicant. Without further commenting on 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