

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1362 of 2019

- Ravi Mehar @ Golu S/o Late B.P. Mehar Aged About 29 Years R/o Village Panjari Plant Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, 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. 277/2019 registered at Police Station Chakradhar Nagar, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. In this case, prosecutrix is a lady aged about 27 years. On 26.07.2019 prosecutrix lodged a written complaint alleging therein that present applicant on the pretext of marriage, has been continuously committing sexual intercourse with her for the last eight years and thereafter, applicant has refused to marry 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 due to some dispute. He further submits that entire story seems to be concocted. *Prima facie*, no offence under Section 376 of I.P.C. can be made out against the present Applicant. If the entire story is taken as it is, it seems that prosecutrix is a major lady and also consenting party in the alleged act. It is further submitted that the said incident took place eight years ago. 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 took place eight years ago, and there is delay in lodging the F.I.R., 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

Prakash