

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1419 of 2019**

- Mahesh Gupta S/o - Baldev Prasad Gupta Aged About 43 Years R/o - Rajkishore Nagar, Near Urja Park, Police Station Sarkanda, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.
For Objector	: Shri Shiv Sahu, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****21/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 255/2019 registered at Police Station City Kotwali, Bilaspur, District – Bilaspur, (C.G.). for the offence punishable under Sections 376, 417, 506 of Indian Penal Code.
2. In this case, age of the prosecutrix is about 32 years. She is a married lady having two children. On 27.07.2019, she lodged a complaint against present applicant alleging that since 2011, applicant on pretext of marriage has been committing sexual intercourse with her and thereafter refused to marry with 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. *Prima facie*, no case can be made out against present applicant. She further submits that prosecutrix is a married lady and in the F.I.R. she has stated that she is well known to the applicant, so, it is not established that applicant has committed the alleged act on pretext of marriage. Also, if the entire story is taken as it is, it seems that prosecutrix is a consenting party. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose 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 facts and circumstances of the case, evidence collected by the prosecution, 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