

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1474 of 2019

- Md. Javed Alam S/o Md. Israel Aged About 23 Years Caste Musalman R/o Village Bilaitanagar Police Station Pathalgaon, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pathalgaon, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P. L.
For Objector	: Mr. Amit Verma, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2019

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. 158/2019, registered at Police Station Pathalgaon, Distt. Jashpur (C.G.) for the offence punishable under Sections 376 of the IPC and Section 3 (1)(b)(1) & 3 (2)(5) of the SC and ST (Prevention of Atrocities) Act, 1989.
2. As per prosecution story, prosecutrix is a girl aged about 25 years. On 26.07.2019, she made a report in concerned police station alleging therein that she has a love affair with the applicant since last one year and on the pretext of marriage, the applicant committed sexual intercourse with her. In her report, it was further alleged that thereafter the applicant married with her and after that she came to know the fact that the applicant was already married and now he

does not want to reside with her. On the basis of said report, 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. The prosecutrix is a married wife of the applicant. The applicant had already given divorce to her first wife. The applicant and prosecutrix married with each other in Arya Samaj on 30.06.2019. Since, the prosecutrix is a wife of the applicant and she has already admitted this fact in her report, therefore, no offence can be made out against the applicant. He further submits that in her statement recorded under Section 164 of Cr.P.C. also, she has admitted the fact that on 30.06.2019, she got married with the present applicant and on 25.07.2019 due to some quarrel, she lodged a report against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
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 FIR and statement of the prosecutrix recorded under Section 164 of Cr.P.C., she herself admitted the fact that she got married with the applicant. 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