

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1515 of 2019

- Hemant Sai S/o Sukhlal Sai Aged About 27 Years Caste Kanwar, Occupation- Government Employee, M.P. W. Sub Health Centre, Dokda, R/o Village Madhuban, Tehsil Pathalgaon, District Jashpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kansabel, District6 Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arun Kumar Shukla, Advocate.
For Respondent/State : Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/12/2019

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. 107/2019, registered at Police Station Kansabel, Distt. Jashpur (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case, at the relevant time, age of the prosecutrix was about 22 years. As per prosecution story, on 24.08.2019, she lodged a report in concerned police station alleging therein that since 01.07.2018, on the pretext of marriage, the applicant regularly committed sexual intercourse with her and later on he refused to marry 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. There was a love relationship between the applicant and the prosecutrix. He further submits that if the entire prosecution story taken as it is, it is established that the prosecutrix was a consenting party in the alleged act. Since, she was a major lady prima facie no offence can be made out 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 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 and arguments advanced by both the counsel appearing for the parties. 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