

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1525 of 2019**

- V. Ramarao S/o V. Amru Aged About 52 Years R/o Indira Nagar, Behind Dena Bank Nandani Road, Bhilai, Police Station Chavni, Tehsil and District – Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, District - Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri Anmol Sharma, Advocate.
For Respondent/State	: Shri Shubham Verma, P.L.
For Objector	: Shri Arvind Dubey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****09/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 143/2019 registered at Police Station Bhilai Bhatti, District – Durg, (C.G.) for the offence punishable under Sections 376, 294, 506 of I.P.C.
2. In the present case, age of the applicant is about 52 years and that of prosecutrix is about 35 years. On 24.08.2019, a report has been lodged by prosecutrix with the averments that she has separated from her husband from last five years and she is residing with her father. Present applicant is the friend of brother of the prosecutrix and he is

also separated from his wife. It is alleged that after knowing the fact that prosecutrix is also separated from her husband, present applicant tried to acquaint himself with the prosecutrix and lured her by promising to marry her, thereafter, developed physical relationship with her for the past two years. On 09.08.2019 also, present applicant took prosecutrix to his gowdown and committed sexual intercourse with her without her consent. It is further alleged that when prosecutrix asked applicant for marriage, then he abused her and threatened her to kill. 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. He further submits that vague allegations have been made against applicant. Prosecutrix is a married lady and till now she has not taken divorce from her husband. If the entire story is taken as it is, it appears that prosecutrix was the consenting party. *Prima facie*, no case under Section 376 of I.P.C. can be made against present applicant, and other alleged offences are bailable. Therefore, it is prayed that 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 and particularly considering the fact that prosecutrix is a married lady, aged about 35 years and for the last two years, she was in the alleged relationship with the applicant but the report was lodged on 24.08.2019, 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