

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1598 of 2019

Pushp Kumar Singh Dev S/o Late Samar Bahadur Singh, aged about 55 years,
R/o Deviganj Road, Ambikapur, P.S. & Tahsil – Ambikapur, Distt. Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mahila
Thana, Ambikapur, Distt. Surguja (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Shubham Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/11/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 38/2019 registered at police station Mahila Thana, Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 376 (2) (N) of the IPC.
2. In this case, the age of the prosecutrix is 30 years. On 29/08/2019 she made a written complaint alleging therein that on 02/01/2018 she met with the Applicant. Thereafter, on the next day the Applicant took her to show his house and there he committed forcible sexual intercourse with her. The Applicant made a false promise to marry her and had been continuously made physical relationship with her. Later on, he performed marriage with the Prosecutrix in temple, however, he told the Prosecutrix not to disclose this fact to her family members. In March, 2019 the Prosecutrix told this fact to her family members. The

Applicant took her with him in the month of April and both resided in different rented house. The Applicant used to marpeet daily and ultimately left the Prosecutrix and fled away. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. The Prosecutrix is a major lady. If the entire case of the prosecution is taken as it is yet the Prosecutrix was the consenting party. He further submits that the Prosecutrix herself told that she got married with the Applicant, therefore, no case is made out against the Applicant because she is wedded wife of the Applicant. He further submits that both have settled their matter and are residing jointly, therefore, the Applicant may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application.
5. Both the parties are present before this Court and the Prosecutrix does not want to proceed in this matter.
6. I have heard counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, particularly considering that the Prosecutrix is a major lady and as per herself she married with the Applicant and resided with him, without further commenting on other merits of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
8. Accordingly, this bail application is allowed.
9. It is directed that in the event of arrest, the Applicant shall be released

on bail on his furnishing a bond in the sum of Rs. 20,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul