

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1576 of 2019

- Chanki Yadav S/o Ramesh Yadav Aged About 28 Years Occupation - Choreographer R/o - Mohala - Gaddipara, Police Station And Tahsil - Ambikapur, Distt. Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Mahila Thana, Ambikapur Distt. Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Kapil Maini, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

11/12/2019

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. 41/2019, registered at Police Station Mahila Thana Ambikapur Distt. Surguja (C.G.) for the offence punishable under Sections 376 (2) n of the IPC.
2. As per prosecution story, prosecutrix is a widow lady aged about 22 years. On 31.08.2019, she lodged a report in concerned police station alleging therein that since last month, on the pretext of marriage, the applicant committed sexual intercourse with her repeatedly 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. He further submits that no such incident whatsoever has been taken place, If the entire story taken as it is, it seems that prosecutrix was a consenting party in the alleged act. Since, she was a married lady and

consenting party, therefore, no case under Section 376 of the IPC 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 the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on 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. 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 made themselves 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