

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1590 of 2019**

- Rajendra Roy S/o Narmada Prasad Roy Aged About 39 Years  
Occup. Business, R/o Aishwarya Apartment, Goverdhanpur, Raigarh,  
Tahsil And District- Raigarh, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through P.S.- City Kotwali, Raigarh, District-  
Raigarh, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Sanjay Agrawal, Advocate.  |
| For Respondent/State | : Mr. Amit Verma, P.L.           |
| For Objector         | : Mr. Manish Upadhyay, Advocate. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**07/11/2019**

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. 730/2019, registered at Police Station City Kotwali, Raigarh Distt. Raigarh (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case, the prosecutrix is a lady aged about 36 years. As per prosecution story, on 10.09.2019, she lodged a report in concerned police station alleging therein that since the year 2006 to 2012, the applicant regularly committed sexual intercourse with her on the pretext of marriage. In the year 2012, the applicant committed *Marpeet* with the prosecutrix, threw her from his house and married with another lady. On the basis of allegations made by prosecutrix,

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 the incident was of the year 2006-2012 and report has been lodged after seven years i.e. in the year 2019. From the report lodged by prosecutrix itself shows that she was a consenting party in the alleged act. *Prima Facie* no offence under Section 376 of the IPC can be made out against the applicant. He finally submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit 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.
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 the incident was of the year 2006-2012 and report has been lodged after seven years i.e. in the year 2019. 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**