

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1655 of 2018**

Dinesh Kumar Bhagat, S/o. Roopdeo Ram Bhagat, Aged About 27 Years,
R/o. Neelkanthpur, Police Station and Tahsil Kusmi, District Balarampur
Ramanujganj, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pramod Verma, Sr. Advocate with Mr. Ravindra Verma, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/01/2019**

1. Apprehending arrest in connection with Crime No.259/2018, registered at Police Station – Gandhi Nagar, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 376 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The prosecutrix is of age 25 years and she is a person competent to consent for physical relation. The applicant and the prosecutrix both had physical relation which was based on

consent and when the applicant refused to marry her, she has lodged false FIR against the applicant. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, the applicant and the prosecutrix both had got acquainted in the year 2010, thereafter, they became intimate. It is alleged that the applicant allured the prosecutrix with false promise to marry her and then exploited her physically and sexually on number of occasions and ultimately he refused to marry her.
6. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram