

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1895 of 2019

Jaikaran Singh Dhanuvar S/o Late Shri Ramsundar Dhanuvar Aged About 55 Years R/o Village Sarbahara Tehsil- Pendra Road, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gaurela, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/12/2019

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. 297/2019, registered at Police Station: Gaurela, District-Bilaspur (C.G.) for the offence punishable under Section 376, 506 of IPC.

2. In this case prosecutrix is a widow lady who is aged about 38 years. The present Applicant is a married person aged about 55 years. As per prosecutrix story, on 05.10.2019, FIR was lodged by the prosecutrix stating therein that the Applicant was the friend of her husband due to which the Applicant visited her husband's house frequently. Husband of the prosecutrix died in the year 2009. It has been alleged that in the month of November 2016 and thereafter on

various occasions the Applicant committed forcible sexual intercourse with the prosecutrix and also she was threatened by him. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some dispute between the applicant and the prosecutrix, virtually after the death of husband of the prosecutrix, she borrowed Rs.1,00,000/- from the Applicant for the purpose of purchasing land and when the Applicant asked to return his money back she used to refuse and threatened him saying that she will implicate the Applicant falsely. A written complaint in this regard is also given by the Applicant. He further submits that for the sake of argument if entire case of the prosecution is taken as it is, it seems that the prosecutrix was a consenting party of the alleged act, therefore, Prima Facie no case can be made out against the Applicant therefore, he prays for grant of anticipatory bail to the Applicant.
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, arguments advanced by the counsel for the Applicant and further considering the fact that prosecutrix is a major lady aged about 38 years, alleged act have been committed in the month of November 2016 and report have been lodged on 05.10.2019. 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