

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1675 of 2018

- Sunil Kumar Yadav S/o Late Jagdish Yadav, Aged About 32 Years, R/o Ramnagar Lingiyadih, Police Station Sarkanda, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Umakant Singh Chandel, Advocate.

For Non-applicant/State – Ms. 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.50/2018, registered at Police Station – Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 376 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The prosecutrix is of age 29 years and competent to consent. The relationship that exist between the applicant and prosecutrix was based on consent, the only grievance of the prosecutrix is this, that the applicant has refused to marry her, which does not come under the definition of any offence. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has made clear allegation against the applicant regarding sexual exploitation by him, therefore, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. In the FIR lodged it is alleged by the prosecutrix that since the year 2012

when she was living separate from her husband the applicant had approached her and by promising to marry her he established physical relation with her. This relationship continued till 20-06-2018, thereafter, the applicant has refused to marry her. Hence, this case.

6. After considering on all the aspects of the case and this fact that the relationship between the applicant and the prosecutrix was without any disturbance and the grievance of the complainant has come up only when the applicant has refused to marry her, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge