

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1713 of 2018

- Vijay Kumar Namdeo S/o Madhusudan Namdeo aged about 28 Years
R/o Kudurmali Police Station Uda Tahsil and District Korba District
Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh through The Station House Officer, Police Station
Adim Jati Kalyan Thana Korba, District Korba Chhattisgarh.

---- Respondent -

For Applicant : Mr. Anil Tripathi, Advocate.

For Respondent/State : Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.36/2018 registered at Police Station-Adim Jati Kalyan Thana, Korba, District – Korba(C.G.), for the offence punishable under Sections 376, 450 & 506 of the Indian Penal Code and Section 3(2)(5) of SC & ST (Prevention of Atrocities) Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against the applicant. The prosecutrix is a major girl aged about 23 years who was having love affair with this applicant for the last six years. A totally false FIR has been lodged by the prosecutrix only for the reason that

the applicant had performed marriage with another girl. Hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per FIR lodged and the statement given, one incident of rape has occurred on 11.11.2018 also, therefore, no case is made out for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. As per contents of FIR lodged, the prosecutrix has admitted about the love affair between her and the applicant which continued for about 6 years and that the accused had established physical relationship with her. She has further stated in the complaint that the applicant has performed marriage on 18.2.2018. Subsequent to which on 11.11.2018, the applicant again came to her and had established physical relation with her without her consent and willingness. Hence, this case.
6. Considered on the material present in the case diary and specifically perused the medical report of the prosecutrix. The reason itself is clear that the applicant and the prosecutrix both had relationship for about 6 years and when the applicant married elsewhere without taking the prosecutrix in confidence, the FIR came to be lodged against him. Hence, looking to the peculiar nature of case, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge