

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1742 of 2018**

Rameshwar, S/o. Anturam Sahu, aged about 18 years, R/o. Village – Sarwahi, P.S. and Tahsil Sakti, District – Janjgir-Champa (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through- the District – Magistrate – Janjgir, District – Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.
For Intervener	: Mr. Syed Mazid Ali, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/01/2019**

1. Apprehending arrest in connection with Crime No.201/2018, registered at Police Station – Baradwar, District – Janjgir-Champa (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 herself has admitted in her later on statement that she has falsely implicated this applicant and in support, she has sworn affidavit making statement in this respect that she has no objection in grant of anticipatory bail to the

applicant and that she has earlier made incorrect statement. Therefore, under these circumstances, 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. However, it is submitted that on verifying the affidavit sworn by the complainant/prosecutrix, the investigation officer has found and reported that the prosecutrix herself has given such affidavit and statement in support of the applicant.
4. Counsel for the intervener submits that he is representing the prosecutrix on her behalf and it is submitted that the prosecutrix has no objection in grant of anticipatory bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. It was alleged in the FIR lodged by the prosecutrix that this applicant allured the prosecutrix of age 26 years with promise to marry her and then established physical relation thus exploited her sexually on number of occasions. Thereafter, he has refused to marry her.
7. Considered the submissions and the contents of the case diary. After due consideration on all the material present in the case diary this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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