

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 61 of 2020**

- Vikash Tiwari S/o Sunil Tiwari Aged About 20 Years R/o Bamhanmudi, Pangaon, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Satya Prakash Verma, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****11/02/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 259/2019 registered at Police Station Bilaigarh, District – Baloda Bazar- Bhatapara, (C.G.) for the offence punishable under Sections 376, 34 of I.P.C.
2. As per the prosecution story, age of the prosecutrix is about 20 years On 03.09.2019 she lodged a report alleging therein that she came in contact with co-accused Milan Dhritlahare through facebook and thereafter they both started taking to each other. During the month of April, 2019, Milan took her in the jungle and committed sexual intercourse with her. After few days, again co-accused took the

prosecutrix in the jungle and committed sexual intercourse with her. Allegedly, at that time present applicant had also gone to the jungle with co-accused Milan and prosecutrix. It is further alleged that co-accused Milan again took her to the jungle and committed forcible sexual intercourse with her. Thereafter, on various occasions, co-accused committed sexual intercourse with the prosecutrix on pretext of marriage and later on, refused to marry with her. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that main allegation is against the co-accused Milan Dhritlahare. The only allegation against present applicant is that he also went to the jungle alongwith the co-accused Milan and prosecutrix. On the same fact of evidence, co-accused Fuleshwar Mandle has already been granted anticipatory bail by this Court vide order dated 02.01.2020 passed in MCRCA No. 1750/2019. Therefore, present applicant may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that main

allegations have been made against co-accused person i.e. Milan Dhritlahare, and one another co-accused Fuleshwar Mandle has already been granted anticipatory bail by this Court vide order dated 02.01.2020 passed in MCRCA No. 1750/2019, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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 to be supplied today.

Sd/-

(Arvind Singh Chandel)
Judge