

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 84 of 2020**

- Gajendra Kumar Sahu S/o Shri Nandlal Sahu Aged About 23 Years R/o Semria, P. S. Sarsiwa, District - Balodabazar-Bhatapara, Chhattisgarh.

**---- Applicant****Versus**

- The State Of Chhattisgarh Through Station House Officer Of Police Station Sarsiwa , District Balodabazar- Bhatapara, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Ms. Shivali Dubey, Advocate. |
| For Objector         | : Shri Sameer Singh, Advocate. |
| For Respondent/State | : Shri Ravish Verma, G.A.      |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****15/06/2020**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 410/2019 registered at Police Station Sarsiwa, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. In the present case, age of the prosecutrix is about 23 years. On 8.12.2019, prosecutrix made a written complaint alleging therein that between the period 17.05.2017 to 10.06.2019 present applicant on the pretext of marriage committed sexual intercourse with her on various occasions at different places, thereafter, he refused to marry with the 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 by the Complainant/prosecutrix. She further submits that there was a love relationship between prosecutrix and applicant and due to that they both developed physical relationship. Since, prosecutrix is a major lady, *prima facie*, no case is made out against applicant. She further submits that F.I.R. was lodged after six months of the alleged incident and delay in lodging F.I.R. is not explained by the prosecution. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and further considering the fact that F.I.R. has been lodged after six months of the alleged incident and at that time age of the prosecutrix was around 22-23 years, 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.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**