

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 45 of 2020**

Laxmi Prasad Rathore S/o Santram Rathore, aged about 40 years R/o Village Faraswani, P.S. Urga, Tehsil Kartala, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Urga, District Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate
For Objector	:	Mr. Ankur Biswas, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

08/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 330/2019 registered at police station – Urga, District Korba (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. In this case, the applicant is married person aged about 40 years. The prosecutrix is also a married lady having two children. The alleged incident took place in the year 2015. On 14/12/2019, an FIR has been lodged by the Prosecutrix stating therein that the applicant hasd been making physical relationship with her since 2015 on the pretext of marriage and thereafter he refused to marry with her. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some political rivalry. He further submits that in the year 2017 also, a report was lodged by the prosecutrix, but nothing was done. Thereafter, at the time of panchayat election, this false and fabricated report has been lodged by her. He further submits that if the entire case of the prosecution is taken as it is, yet no offence is made out against the applicant because both are married and major, therefore, it is matter of consent.
5. Learned counsel appearing on behalf of the State and Objector oppose the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering the fact the applicant and the Prosecutrix are married persons and they are major, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul