

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 204 of 2020

Suraj Laskar S/o Arjun Lal Laskar, aged about 19 years, R/o Ward No. 02,
Devarpara, Sirgitti, District- Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Sirgitti,
District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. K.P.S Gandhi, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/06/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 217/2019, registered at Police Station: Sirgitti, Civil & Revenue District: Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
3. First bail application was dismissed for want of prosecution vide order dated 03.01.2020 passed in MCRCA No.1250/2019.
4. In this case, at the relevant time, age of the prosecutrix was about 17 years. According to the case of the prosecution, on 03.07.2019 prosecutrix made a report, alleging therein that from the year 2017, the present Applicant on pretext of marriage committed forcible sexual intercourse with her and thereafter denied to marry her. On the basis of said, offence has been registered.
5. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that virtually, there was a love relationship between the prosecutrix and the Applicant. At the time of incident, the prosecutrix was a major girl and it seems that prosecutrix was a consenting party and Prima Facie no case is made out. He further submits that, on 15.01.2020 both have performed marriage and presently they are residing together as husband and wife, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case and arguments adduced by the counsel for the parties, particularly considering that prosecutrix and the Applicant have already performed marriage, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge