

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 193 of 2020

- Mahadev Bareth S/o Budhwar Singh Aged About 24 Years Resident Of-
Village- Parsada Kurud Tehsil- Sakti District- Janjgir-Champa
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Sakti, District-
Janjgir-Champa Chhattisgarh

---- Respondent

For Applicant	:	Mr. Basant Dewangan, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.357/2018 registered at police station–Sakti, District- Janjgir-Champa, (C.G.) for alleged commission of offence under Section 376 of Indian Penal Code.

2. Prosecution case is that the applicant on a false pretext of marriage, took the prosecutrix away to different places, in Jammu and Kashmir where he sexually exploited the prosecutrix from 09.08.2017 till 17.06.2018. Despite prosecutrix's insistence, applicant did not marry her and thus committed offence of rape.

3. Learned counsel for the applicant would submit that the report is false and fabricated. The prosecutrix and the applicant had an affair and he has already married prosecutrix. While applicant and prosecutrix were working in Jammu and Kashmir, she went with her brother-in-law on 12.04.2018 with a cash of Rs.2500/- therefore, the applicant lodged a report in the police station on 25.04.2018. The police, however, did not take any cognizance stating that this is a dispute between husband and wife. Now a false case has been

registered against the applicant.

4. On the other hand, learned counsel for the State opposes the bail application.

5. On prima facie consideration, on prosecutrix own showing, she had gone along with applicant, she resided with the applicant for almost 10 months from 09.08.2017 to 17.06.2018. Prosecutrix is a major. According to the prosecutrix, she had lodged report when the applicant did not agree for marriage, therefore, present is a fit case for grant of anticipatory bail. The bail application is accordingly allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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 as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi