

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 410 of 2020**

- Prakash Kumar Panadiya S/o Kanhaiyalal Panadiya Aged About 27 Years R/o Village- Khodri, Police Station- Gaurela, Tahsil- Pendraroad, District- Gaurela Pendra Marwahi (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Gaurela, District- Gaurela Pendra Marwahi (C.G.)

---- Non-Applicant

For Applicant : Shri Ashok Soni, Advocate.
For Non-Applicant : Shri Sudeep Agrawal, Deputy AG.

Proceeding through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****29/06/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.19/2020, registered at Police Station Gaurela, District Gaurela Pendra Marwahi for offence punishable under Sections 376 and 450 of the IPC.
2. Prosecutrix aged about 27 years is a married lady, whose husband is in service in Indian Army. Since her husband was not residing in the village due to his posting elsewhere, the prosecutrix was alone in the house, therefore, taking benefit of

the situation, the applicant committed forceful sexual intercourse on 20.5.2018 and thereafter continued to have sexual intercourse till April, 2019. Present FIR was lodged on 21.1.2020. Delay in lodging the FIR is said to be on account of fear of public humiliation.

3. Considering that the prosecutrix is married lady aged about 27 years; there is considerable delay of about 9 months in lodging the FIR and there is no allegation that the first incident happened either on promise to marry or under threat or duress and that as per the story informed by the prosecutrix herself, relationship continued from 20.5.2018 to April, 2019 i.e. about a year, this Court is inclined to release the applicant on anticipatory bail.
4. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall make himself available for interrogation by a police officer as and when required;
 - (ii) 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.

Sd/-
Judge
(Prashant Kumar Mishra)