

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 451 of 2020**

Rahul Sharma S/o Late Raja Lal Sharma, aged about 32 years R/o Meghdut Nagar Sarkanda, P.S. Sarkanda District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Sarkanda, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Advocate General
For Prosecutrix	:	Mr. Manish Sharma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

12/06/2020

1. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 168/2020 registered at police station – Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 376 & 506 of the Indian Penal Code.
2. According to the case of the prosecution, the prosecutrix is presently aged about 32 years. On 22/02/2020 a report has been lodged by the Prosecutrix alleging therein that she was in love relation with the applicant since 2015. During the relationship, the applicant committed sexual intercourse with her on various occasions on the pretext of marriage. Thereafter, he refused to marry with her. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further submits that the Prosecutrix is a major lady. Virtually, there was love relationship between the Prosecutrix and the applicant and due to this they developed physical relationship with their consent. He further submits that on 27/05/2020, both have performed marriage and presently residing together.
4. The Prosecutrix is also present before this Court along with his counsel. Her presence be marked. She supports the averment made by counsel for the applicant.
5. Learned counsel appearing on behalf of the State opposes 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, particularly considering the age of the applicant and the Prosecutrix, and that they have performed marriage and residing together, 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