

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.496 of 2020

- Ayush Kumar Prasad, S/o Late Sudheer Prasad, Aged About 26 Years, R/o Jayram Colony, Post Office Raigarh, Tehsil and District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In-Charge, Police Station - City Kotwali, Raigarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Ashutosh Misha, Advocate
Ms. Fouzia Mirza, Addl. AG

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

14/08/2020

1. The applicant has preferred this bail application under Section 438 of the CrPC, as he is apprehending his arrest in connection with Crime No.1016/2019, registered at Police Station City Kotwali, District Raigarh (C.G.) for the offence punishable under Section 376 of IPC.
2. The applicant and the prosecutrix got connected through facebook chatting and exchanged their mobile number. In due course, they developed intimacy and the prosecutrix, aged about 32 years, came down from Calcutta to Raigarh twice and on both the occasions, they stayed in a hotel. The applicant committed

forcible sexual intercourse during this period, however, he did not introduce the prosecutrix to his family members nor performed marriage as promised to her. The applicant refused to marry her, on which she enquired and came to know that he is already married having two children.

3. The prosecutrix herself appeared before the Trial Court and stated no objection for allowing the applicant for grant of anticipatory bail. This fact is mentioned in the bail rejection order passed by the Sessions Court.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the entire facts situation of the case, particularly for the reason that the prosecutrix is aged about 32 years; she herself came down from Calcutta to Raigarh twice; the affair continued for about one year and that she herself appeared before the Trial Court stating no objection if anticipatory bail is allowed to the applicant, this Court is inclined to exercise power under Section 438 of CrPC for release of the applicant on anticipatory bail.
6. Accordingly, the bail 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.

(iii) he shall not influence the witnesses during pendency of the trial.

Sd/-
Prashant Kumar Mishra
Judge

Nirala