

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 464 of 2020

- Amar Jeet @ Amarjeet Dom S/o Sukh Sai Aged About 25 Years R/o Village- Balakpodi, Police Station- Kapu, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station- Kapu, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

12/06/2020

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 14/2020 registered at Police Station Kapu, District – Raigarh, (C.G.) for the offence punishable under Sections 376, 506(B) of I.P.C.
2. In the present case, prosecutrix is a widow lady aged about 46 years. According to the case of the prosecution, after the death of 3rd husband of the prosecutrix in the year 2012, her relationship developed with the present applicant and out of their relationship one child was born in the year 2013. It is alleged that on various occasions applicant committed sexual intercourse with the prosecutrix on pretext of marriage. When child was born, applicant refused to marry with the

prosecutrix. Thereafter, prosecutrix filed an application under Section 156(3) of Cr.P.C. before Magistrate and as directed by concerned Magistrate, police registered F.I.R. against present applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case by the Complainant/prosecutrix. He further submits that if the entire story is taken as it is, prosecutrix seems to be a consenting party. Prosecutrix is a major lady. *Prima facie*, no case is made out against present applicant as prosecutrix is a consenting party. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties and considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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 fact to the Court,
 - (ii) He shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) He 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