

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 536 of 2020

Tarun Kumar Kewat (Kaivartya) S/o Kholuram Kewat Aged About 28 Years R/o-
Ward No. 2, Mandi Mohalla, Bhanesar, Jairamnagar, Thana Mastoori, District
Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Station House Officer, P.S. Bilha, District Bilaspur,
Chhattisgarh

---- Respondent

For Applicant	: Mr. Shital Soni, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/06/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 42/2020, registered at Police Station: Bilha, District: Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
3. In this case prosecutrix is a married lady. According to the case of the prosecution, the prosecutrix lodged a report against the Applicant alleging therein that, from the last few months, the Applicant on pretext of marriage committed forcible sexual intercourse with her. It is further alleged that on 20.02.2020, when the husband of the prosecutrix was not in the house, the Applicant came there and committed sexual intercourse with her but unfortunately her husband arrived and caught them in a suspicious condition. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that if the entire case of the prosecution is taken as it is, it seems that the prosecutrix was a consenting party therefore, no case is made out against the present Applicant, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments adduced by the counsel for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
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 personal bond in the sum of Rs. 25,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge