

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 504 of 2020

Mahendra Vishwakarma S/o Shri Baudha Ram Aged About 32 Years R/o Near Mahamaya Temple, Thana- Kotwali Ambikapur, District- Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Kotwali Ambikapur, District- Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For Respondent/State : Mr. KK Singh, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/06/2020

1. 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. 134/2020, registered at Police Station Kotwali Ambikapur Distt. Surguja (C.G.) for the offence punishable under Section 376 (2)(n) of the IPC.
2. In this case, the prosecutrix is a divorced lady aged about 34 years. The applicant herein also aged about 32 years. As per prosecution story, on 04.03.2020, a report has been lodged by the prosecutrix alleging therein that from March 2017 to 24.02.2020, on the pretext of marriage, the applicant committed sexual intercourse with her on various occasions due to that she got pregnant and having child of two months in her womb. 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 in the present case. *Prima facie* no case can be made out against the applicant. He further submits that the prosecutrix is a major lady and the entire case of prosecution taken as it is, it is established that the prosecutrix was a consenting party in the alleged act. The Counsel lastly submits that when the applicant has fixed his marriage to another lady, to create pressure upon the applicant, the prosecutrix lodged a false and fabricated report

against him. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the age of the prosecutrix and also when the prosecutrix got pregnant, she lodged an FIR after 2-3 years of the alleged incident. 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.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 solvent 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 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