

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 517 of 2020**

- Jagtar Singh S/o Late Shri Shyam Singh Aged About 61 Years R/o Civil Line, Kumhar Para, Narayanpur, District Narayanpur, Chhattisgarh, Permanent Address Village Sotala, Tahsil and District Hoshiyarpur (Panjab).

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Vivek Kumar Agrawal, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****05/08/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 84/2019 registered at Police Station Narayanpur, District – Narayanpur, (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. In the present case, prosecutrix is a married lady. She lodged a report against applicant on 14.5.2019 alleging that her husband is the friend of the applicant due to that applicant had called her to meet at lodge Arihant, Narayanpur where applicant pressurized her and committed

forcible sexual intercourse with her. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has neither committed nor participated in such alleged act. There was dispute for Rs. 20,000/- between applicant and prosecutrix and applicant has already given Rs.20,000/- to the prosecutrix in the police station to settle the dispute. On 13.5.2019, prosecutrix has also given a written assurance that she would not lodge any false case of rape against applicant, annexed as Annexure A/2. Thereafter, prosecutrix again demanded money from the applicant, so, on 14.5.2019, applicant made a written complaint against prosecutrix in this regard, annexed as Annexure A/3. Earlier, prosecutrix had made false allegation of rape against other persons also. He further submits that applicant is an old person aged about 61 years and he is suffering from various diseases. Thus, in totality, a false and fabricated report has been lodged against applicant. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence

collected by the prosecution and after going through the entire annexures annexed as A/2, A/3, A/4, A/5 & A/6, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.
9. 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/her 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