

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 528 of 2020**

- Rajeev Kumar Sahu S/o Ajeet Ram Sahu Aged About 50 Years R/o- D-03 Triveni Vihar, Behind Ramkrishna Hospital, At Present Residing At E.W.S.- 205 Paramhans Pandey Nagar, Jootmill, Kabir Chowk, Raigarh, Tehsil And District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through- Station House Officer Of Police Station Chakradharnagar, Raigarh District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Shri Shivang Dubey, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****29/06/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 68/2020 registered at Police Station Chakradhar Nagar, Raigarh, (C.G.) for the offence punishable under Section 376 of I.P.C.
2. In the present case, prosecutrix is a married lady aged about 38 years having two children. Applicant herein is also a married person. According to the case of the prosecution, on 12.01.2020 prosecutrix lodged a report alleging that from the period of 2008-2019, applicant on various occasion and at various places committed sexual intercourse with her on pretext of marriage. Thereafter, applicant

refused to marry with the prosecutrix. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that virtually, in the year 2008, applicant and prosecutrix came in contact with each other, thereafter, prosecutrix started borrowing money from applicant. Applicant has given the money to the prosecutrix as loan and when applicant demanded the said money, then prosecutrix didn't returned him any money. Thereafter, a false and fabricated report was lodged by the prosecutrix. It is further submitted that if the entire case is taken as it is, it is well established that applicants and prosecutrix, both are married persons and the said fact was known to the prosecutrix, therefore, the alleged incident of committing sexual intercourse with the prosecutrix on pretext of marriage is not acceptable. Since, prosecutrix was the consenting party, *prima facie*, no case is made out against present applicant. 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, considering the facts and circumstances of the case, particularly considering the fact that both applicant and prosecutrix are married persons and there is delay in lodging the F.I.R. as the incident

occurred between 2008-2019, 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