

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 575 of 2020

Manoj Kumar Poyam, S/o Late Dhannuram Poyam, Aged About 29 Years R/o Village Baniyagaon, Police Station Kondagaon, District - Kondagaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Kondagaon, District, Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/06/2020

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. 112/2020, registered at Police Station Kondagaon, Distt. Kondagaon, Chhattisgarh for the offence punishable under Section 376 of the IPC.
3. In this case, the prosecutrix is a lady aged about 24 years. On 09.04.2020, she made a report against the applicant alleging therein that since last two years, on the pretext of marriage on various occasions, the applicant committed sexual intercourse with her and when she asked for marriage, he denied. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that, if the entire case of prosecution taken as it is, it seems that the prosecutrix was a consenting party in the alleged act. She

was a major lady at the time of incident. The Counsel further submits that in the statement of prosecutrix recorded under Section 164 of Cr.P.C., she deposed that she has already married with the applicant, therefore, no case under Section 376 of the IPC can be made out against the applicant. Hence, it is prayed that he 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 both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, age of the prosecutrix and further considering her Court Statement recorded under Section 164 of Cr.P.C. 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 for a 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