

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 589 of 2020**

Ankit Ghiya S/o Sanjay Kumar Ghiya, aged about 22 years R/o Ward No. 15,
Main Road, Ambargarh Chowki, District Rajnandgaon (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through the Police Station Sarkanda, Bilaspur, District
Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Advocate
For Respondent	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order**24/06/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 425/2020 registered at police station – Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 328, 376 (2), 354 & 34 of the Indian Penal Code.
3. In this case, the Prosecutrix is a major girl, aged about 21 years. According to the case of the prosecution, the Prosecutrix had come to Bilaspur for higher study in the year 2019, where she met with the applicant. It is alleged that on 19/06/2019, the applicant asked her to go with him to the house of Raju. Where, Raju, Pukhraj and Praful were present. The applicant and the Prosecutrix decided to sit in a different room. The applicant offered her a beer and thereafter, he

committed sexual intercourse with her. It is also alleged that friends of the applicant made a video clip of the Prosecutrix. Thereafter, on various occasions, the applicant committed sexual intercourse with the Prosecutrix on the pretext of marriage, due to that she became pregnant. Later on, the applicant refused to perform marriage with the Prosecutrix. On 02/05/2020, an FIR has been lodged by the Prosecutrix and on that basis offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. The Prosecutrix is a major lady. He further submits that if the entire case of the prosecution is taken as it is, yet it seems that the Prosecutrix was the consenting party. There is delay in lodging the FIR. He further submits that prior to lodging the FIR by the Prosecutrix, the applicant himself had lodged a report on 16/03/2020 against the Prosecutrix regarding demand of dowry.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that the Prosecutrix is a major lady, there is delay in lodging the FIR and prior to lodging the FIR, the applicant had made a report against the Prosecutrix regarding demand of money, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
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 bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge