

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 634 of 2020

- Narendra Kewat S/o Late Manoharlal Kewat Aged About 32 Years R/o Village Nearby Bus Stand, Bhatgaon, Police Station Bhatgaon, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhatgaon- District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Anil Gulati, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/06/2020

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 Bhatgaon, District – Balodabazar- Bhatapara, (C.G.) for the offence punishable under Section 376 of I.P.C.
2. According to case of the prosecution, prosecutrix is a married lady aged about 25 years. Applicant herein is also a married person. On 18.3.2020, F.I.R. was lodged by the prosecutrix alleging therein that since 12.3.2018, present applicant on pretext of marriage committed sexual intercourse with the prosecutrix on the various occasions.

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 *prima facie*, no case is made out against present applicant. If the entire story is taken as it is, it seems that prosecutrix was a consenting party. Since, applicant is a married person and prosecutrix was well aware of this fact, therefore, the alleged act committed by applicant is not acceptable. Prosecutrix is also a married lady and consenting party, 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 and considering the facts and circumstances of the case, evidence collected by the prosecution, 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