

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 599 of 2020**

- Chandra Kumar Sarthi S/o Sundarlal Sarthi Aged About 24 Years Caste Ghasiya, R/o Taprada Thana And Tehsil Pusour District Raigarh Chhattisgarh.

**---- Applicant**

**Versus**

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

**---- Respondent**

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For Applicant : Shri C.R. Sahu, Advocate.

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

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**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. 25/2019 registered at Police Station Pusour, District – Raigarh, (C.G.) for the offence punishable under Section 376 of I.P.C.
2. In the present case, prosecutrix is a girl aged about 19 years. On 5.2.2019, she lodged a report alleging therein that between the period 22.9.2016 to 24.12.2018, applicant on various occasions continuously 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 by the Complainant/prosecutrix. He further submits that prosecutrix is a major girl. If the entire story is taken as it is, *prima facie*, no case is made out against present applicant. It is further submitted that F.I.R. has been lodged after 2-3 years of alleged incident. 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**