

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 631 of 2020**

Dashrath Singh Rajput, S/o Late Shri Rajkumar Singh, aged about 28 years,
R/o Tilak Nagar Champa, Distt. Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through S.H.O., P.S. Champa, Distt. Janjgir-Champa
(C.G.).

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

15/07/2020

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. 125/2020 registered at police station – Champa, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, the Prosecutrix is a married lady aged about 28 years having two children. On 04/05/2020, she made a report with the averment that she is a divorced lady. On 05/02/2020 and thereafter on another day also, the applicant committed sexual intercourse with her on the pretext of marriage. Thereafter, he refused to marry with the Prosecutrix. 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 this case. He further submits that if the entire case of the Prosecutrix is taken as it is, yet it seems that the Prosecutrix was the consenting party. He further submits that the Prosecutrix has wrongly mentioned in her FIR that she is a divorced lady. Virtually, her husband namely Gulam Nabi made a report on 06/06/2020 against her wife/Prosecutrix. On the said report, counseling proceeding has also been conveyed. He further submits that the incident is of the month February, 2020 and FIR has been lodged after three months and delay has not been properly explained, therefore, he prays to extend the benefit of anticipatory bail.

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, she was the consenting party in the alleged act and there is delay of 3 months in lodging the FIR, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 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

Rahul