

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.638 of 2020

Naveen Dubey, S/o Shanti Lal Dubey, aged about -32 years, R/o Sonarpara Champa, Police Station-Champa, District-Janjgir-Champa, Chhattisgarh

Versus

State of Chhattisgarh Through the SHO, Police Station - Tarbahar, District-Bilaspur (C.G.)

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/07/2020

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. 92/2020, registered at Police Station Tarbahar, Distt. Bilaspur, Chhattisgarh for the offence punishable under Sections 376 & 509 of the IPC.
3. In this case, prosecutrix is a married lady aged about 32 years. The applicant herein also a married person. As per prosecution story on 16.03.2020, the prosecutrix lodged a report inter-alia on the ground that on 17.11.2019, when she came to the contact of the applicant through social media (Facebook) and became his friend, allegedly, on 19.11.2019, the applicant came to Bilaspur (C.G.) and called the prosecutrix to meet with him at Shopping Mall, there the applicant introduced himself as a bachelor. After some days, the applicant

again visited to Bilaspur and took the prosecutrix to one Sharma Lodge and committed sexual intercourse with her. Thereafter, on various occasions, he committed sexual intercourse with her. 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. No offence under Section 376 of the IPC can be made out against the applicant. He further submits that they both are the married persons and if the entire case of prosecution taken as it is, it seems that the prosecutrix was a consenting party in the alleged act. Hence, it is prayed that the applicant 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 and arguments advanced by both the counsel appearing for the parties. Without further commenting on 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