

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.637 of 2020

Rambali Singh, S/o Late Dalip Ram, aged about 32 years, R/o Village Rajapur,
Police Station Jainagar, Tehsil and District-Surajpur (C.G.)

Versus

State of Chhattisgarh, Through-Station House Officer, Police of Police Station-
Jainagar, District Surajpur (C.G.)

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent/State : Ms. Hamida Siddiqui, Dy. A.G.

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. 120/2020, registered at Police Station Jainagar, Distt. Surajpur, Chhattisgarh for the offence punishable under Section 376 of the IPC.
3. In this case, prosecutrix is girl aged about 23 years. On 05.03.2020, the prosecutrix lodged a report alleging therein that on the pretext of marriage, from last 6-7 years, the applicant continuously committed sexual intercourse with her on various occasions. She further stated that on 05.03.2020, the applicant solemnized marriage with her and due to physical relationship, when she got pregnant, allegedly, the applicant gave some medicine to her and aborted her child. Thereafter, the applicant refused to live 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 the present case. At the time of incident, the prosecutrix was aged more than 18 years. He further submits that on 05.03.2020, they both have performed marriage.

Thus, the prosecutrix is a married wife of the applicant, therefore, prima facie no case under Section 376 of the IPC can be made out against the applicant. 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