

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 665 of 2020**

Jagjeet Singh S/o Gajan Singh, aged about 44 years, R/o 3/A Street 67, Sector 6 Civil Center Bhilai, Distt. Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Mahila Thana, Bhilainagar, District Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Dharendra Prashad Mishra, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

07/08/2020

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. 105/2020 registered at police station – Mahila Thana, Bhilainagar, District Durg (C.G.) for the offence punishable under Sections 376, 506 & 493 of the IPC.
3. In this case, the Prosecutrix is aged about 36 years. According to the case of the prosecution, on 10/02/2020, a report has been lodged by the Prosecutrix alleging therein that from last 15 years, the applicant, on the pretext of marriage, continuously committing sexual intercourse with her. Later on, the applicant refused to marry with her and performed marriage with another lady. On the basis of the 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 due to some dispute with the Prosecutrix. He further submits that if the entire case of the prosecution is taken as it is, yet it seems that the Prosecutrix was the consenting party. The incident is of 15 years back and the entire story as narrated by the Prosecutrix is suspicious. The Prosecutrix herself refused to marry with the applicant, and when the applicant performed marriage with another lady, then a false and fabricated report has been lodged by her. He prays to extend the benefit of anticipatory bail to the applicant. .
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, argument advanced by counsel for the parties and further considering that the Prosecutrix is a major lady and the report has been lodged after 15 years of the incident, 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