

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 662 of 2020

Nandlal Kawachi S/o Ramprasad Kawachi Aged About 33 Years By Caste Gond, R/o Village Khadkagaon, Thana And Tahsil Amabeda, District Uttar Bastar Kanker, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Kanker, District U.B. Kanker, Chhattisgarh

1. ---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/07/2020

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. 136/2020, registered at Police Station Kanker (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
3. In this case the prosecutrix is a married lady aged about 29 years and having two children. The applicant herein also a married person having two children. As per prosecution story, on 02.04.2020, the prosecutrix lodged a report against the applicant alleging therein that on 31.12.2019, she went Kanker along with applicant for purchasing mobile for her. Allegedly, after purchasing mobile, the applicant taken her in a hotel's room and committed forcible sexual intercourse with her. Thereafter, from the month of February 2020 to March 2020, on various occasions, the applicant committed sexual intercourse with her by blackmailing her. On the basis of said report, offence has been register.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the report has been lodged after four months of the incident, if the entire case of prosecution taken as it is, it seems that the prosecutrix was a consenting party. Since, she was a major lady and consenting party, therefore, prima facie no case 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, 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