

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 675 of 2020**

- Dipak Kumar Chaurasiya S/o Dr. A. K. Chaurashiya Aged About 32 Years  
R/o D-23 Nature City, P.S. Sakari, Tehsil And District- Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Thorough Station House Officer, Police Station Mohan  
Nagar Tahsil and District- Durg, Chhattisgarh.

**---- Respondent**

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For Applicant : Shri Sandeep Yadav, Advocate.

For Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**12/10/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 92/2020 registered at Police Station Mohan Nagar, District – Durg, (C.G.) for the offence punishable under Sections 376, 50 of the Indian Penal Code.
3. Brief facts of the case are that prosecutrix is a major lady aged about 26 years. On 7.3.2020, she lodged a report against applicant alleging therein that on 9.12.2011 she met with the applicant in the train, they became friends and thereafter, they entered into love relationship. It is alleged that from the year 2013, applicant has been committing continuous sexual intercourse with the prosecutrix on pretext of

marriage. Thereafter, applicant denied to marry with the prosecutrix. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that there was love relationship between applicant and prosecutrix and due to that prosecutrix herself developed sexual intercourse with the applicant on her own will. Prosecutrix is also a major lady, therefore, *prima facie*, no offence under Section 376 of IPC is made out against present applicant. It is further submitted that offence occurred in the year 2013 and F.I.R. has been lodged on 7.3.2020 i.e. after a gap of seven years of the alleged incident. At present, applicant is ready to perform marriage with the prosecutrix but she herself don't want to marry with him. Also, during trial, there is possibility of settlement between the parties. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the anticipatory bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that prosecutrix is a major lady aged about 26 years and there is delay of about 7 years in lodging the F.I.R., therefore, without further

commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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**