

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 684 of 2020

Jagdish Panika, S/o Amarsai Panika, Aged About 55 Years R/o Village Kupatti, Police Station - Odagi, District - Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S. H. O. Police Station Odagi, District - Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Maneesh Sharma, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20.07.2020

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. 08/2020, registered at Police Station: Odagi, District: Surajpur (C.G.) for the offence punishable under Section 376 & 506 of IPC, 1860.
3. In this case the present Applicant is a married person aged about 55 years and the prosecutrix is aged about 28 years. According to the case of the prosecution, on 12.03.2020, she made a report against the present Applicant alleging therein that, she is the cook in the house of the present Applicant and from 2013 to 2019 on various occasions, the present Applicant committed sexual intercourse with her and thereafter denied to marry her. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that if the entire case of the prosecution is taken as it is, it seems that the

prosecutrix was a consenting and there was delay in lodging the FIR, therefore, 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 the parties.
7. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties particularly considering that there was delay in lodging the FIR, without further commenting on other 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 in the sum of Rs. 25,000/- 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 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