

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 686 of 2020

Vinit Kumar Suryawanshi S/o Shri Kamta Prashad Suryawanshi Aged About 32 Years R/o Village Alibada Bijori, District (Revenue And Civil) - Chaindwada Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mana Camp, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogesh Chandra, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Raza Ali, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04.08.2020

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. 49/2020, registered at Police Station: Mana Camp, District: Raipur (C.G.) for the offence punishable under Section 376 of IPC.
3. In this case, the prosecutrix is a married lady aged about 40 years. According to the case of the prosecution, on 24.05.2020, the prosecutrix lodged a written report against the present Applicant, alleging therein that, on 02.07.2019 in the absence of the husband of the prosecutrix, the present Applicant entered her house and committed forcible sexual intercourse with her. It is also alleged that at the time of incident, the Applicant made video of the alleged incident. Further allegations against the present Applicant is that on several occasions, the present Applicant committed sexual intercourse with the prosecutrix by threatening her that he will disclose the fact that he had made video of 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 due to some dispute. He submits that if the entire case of the prosecution is taken as it is, it seems that the entire case is concocted & fabricated and the entire story narrated by the prosecutrix is suspicious and not reliable. He further submits that the matter was reported 10-11 months after the incident, therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State as well as for the Objector 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 the first incident is of 02.07.2019 and the matter was reported on 24.05.2020, 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