

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 704 of 2020**

Kiran Kumar Tekam S/o Shri Shrawan Tekam, aged about 25 years, Caste-Gond, Permanent R/o Village Jhaliyamari, Police Station Narharpur, District North, Bastar Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station, Narharpur, District North Bastar Kanker (C.G.).

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

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. 61/2020 registered at police station – Narharpur, District- North Bastar, Kanker (C.G.) for the offence punishable under Sections 376, 376 (2) (ढ) & 506 of the IPC.
3. In this case, the Prosecutrix is a girl aged about 22 years. According to the case of the prosecution, on 10/05/2020, a report has been lodged by the Prosecutrix alleging therein that on 05/02/2018 & 18/11/2018 and on various occasions, the applicant, on the pretext of marriage, committed sexual intercourse with her, due to that she got

pregnancy of 7 months. Thereafter, the applicant refused to marry with her. On the basis of 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. Virtually, the Prosecutrix is a major and educated lady. There was love relation of her with the applicant, due to that she herself developed physical relationship with the applicant. The applicant still wants to marry with her. 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, therefore, prima-facie no offence is made out against the applicant. 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 2 years of the incident when she got pregnancy of 7 months, 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**