

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 753 of 2020

Dewashish Kurre S/o Pawan Kumar Kurre Aged About 33 Years R/o
Village Padumtara, Ghumka, Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Ghumka,
District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Mr. Varun Sharma, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07.08.2020

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. 115/2020, registered at Police Station: Ghumka, District: Rajnandgaon (C.G.) for the offence punishable under Section 376 of IPC.
3. According to the case of prosecution, on 03.06.2020, prosecutrix lodged a written report against the present Applicant alleging therein that from 01.05.2018 to 29.05.2020, the Applicant has committed sexual intercourse with her on the pretext of marriage 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 virtually the brother of the prosecutrix made false and fabricated report against the present Applicant and if the entire case of the prosecution is taken as it is, it seems that prosecutrix was a consenting party. It is further submitted by counsel for the Applicant that prosecutrix has settled her matter and now she doesn't want to continue its litigation and she has no objection for grant of anticipatory bail to the present Applicant. Prosecutrix is available through video conferencing and she has categorically submitted that she has no objection in granting bail to the Applicant, 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 the fact that the prosecutrix has settled her matter with the Applicant and she has no objection in granting bail to the Applicant and further considering the fact that the whole matter is of consent, 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