

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 780 of 2020**

Pichharu Ram Bhagat S/o Jhirku Ram Bhagat, aged 48 years, Caste- Uraon
R/o Police Line, Jashpur, District Jashpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Duldula, District Jashpur,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. C.J.K. Rao, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/09/2020**

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. 32/2020 registered at police station – Duldula, District Jashpur (C.G.) for the offence punishable under Sections 324, 376 & 506 of the IPC.
3. In this case the age of the Prosecutrix is 30 years. She is a married lady. According to the contents of the FIR she was the wife of one Rajendra. On 22/05/2020, she made a written report against the applicant alleging therein that the applicant, on the pretext of marriage, had been committing sexual intercourse with her for 8 years. Both had resided together for some years in a rented house. It has been alleged

that on 13/04/2020, the applicant assaulted her by a knife due to which she sustained injuries. The applicant also refused to marry with her. On the basis the complaint made by the Prosecutrix/Complainant, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. If the entire case of the prosecution is taken as it is, yet it seems the Prosecutrix was the consenting party as she herself is a married lady, therefore, it cannot be accepted that the alleged act has been done with her on the pretext of marriage and therefore offence under Section 376 of the IPC is not made out against the applicant. With regard to the other offences, counsel for the applicant submits that the incident of assault occurred on 23/04/2020, FIR has been lodged on 22/05/2020 and delay has not been explained. 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 the fact that the Prosecutrix is a married lady aged about 30 years, 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