

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 777 of 2020

Mahasingh Sidar S/o Late Buddhewshwar Singh Aged About 29 Years
Constable, Police Station Urga, R/o Village Dongiya, Police Station And
Tahsil Sakti, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through- The Station House Officer, Police
Station Tarbahar, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Rajeev Kumar Dubey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/09/2020

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. 128/2020, registered at Police Station Tarbahar, Distt. Bilaspur (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
3. In this case, the prosecutrix is a girl aged about 24 years. According to the case of prosecution, on 30.05.2020, FIR has been lodged by the prosecutrix alleging therein that from last six months, on the pretext of marriage, on various occasions the applicant committed sexual intercourse with her and later on 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 in the present case. The prosecutrix is a major lady and the applicant and the prosecutrix have developed their relationship on their own will. He further submits that they both have settled their matter and agreed to marry with each other, an agreement has also been taken place between them in this regard. Hence, 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. Learned counsel appearing on behalf of objector supported the argument advanced by Counsel for the applicant and submits that he has no objection if the bail may be granted to the applicant.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that both the parties have settled their matter. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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