

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 784 of 2020

Ritesh Singh S/o Shri Jaleshwar Singh Aged About 28 Years R/o House No. 81, Ward No. 12, Paanch Raasta, Supela, Tehsil And District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station Supela, Tehsil And District Durg, Chhattisgarh

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Anurag Jha, Advocate

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. 339/2020, registered at Police Station: Supela, District: Durg (C.G.) for the offence punishable under Section 376 (2) (द), 493 & 506 of IPC.
3. According to the case of prosecution, on 04.06.2020, prosecutrix lodged a written report against the present Applicant alleging therein that from 23.02.2016, the present Applicant committed sexual intercourse with her on the pretext of marriage, due to which initially she got pregnant in the year 2017 after which she aborted,

thereafter, again she got pregnant in the year 2018 and later on the Applicant 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 if the entire case of the prosecution is taken as it is, it seems that prosecutrix was a consenting party and since she is a major lady therefore, Prima Facie no case is made out. He also submits that the matter is of 2016 and the alleged act was committed 4-5 years back and there was no FIR earlier at the time of 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 the fact that the prosecutrix is a major lady and there was delay of 04 years in lodging the FIR, 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