

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 823 of 2020**

- Maheshwar Yadav S/o Khirodhar Ram Yadav, Aged About 37 Years Occupation Police Constable, R/o Village Ambadand, P.S. Bagicha, Tehsil Bagicha, District Jashpur Chhattisgarh. Present Address P.S. Sanna, Tahsil Bagicha, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****31/08/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 9/2020 registered at Police Station Bagicha, District – Jashpur, (C.G.) for the offence punishable under Sections 450, 376 of the Indian Penal Code.
3. In this case prosecutrix is a married lady aged about 37 years. As per the case of the prosecution, on 17.01.2020, at around 7:00PM when prosecutrix was alone in her house, allegedly, present applicant came there and committed forcible sexual intercourse with her. When husband of the prosecutrix came there, then applicant fled away from

the spot. The said matter was reported by the prosecutrix/ complainant, on the basis of the that, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to previous enmity with the husband of the prosecutrix. He further submits that if the entire case is taken as it is, it appears that prosecutrix was the consenting party. When husband of the prosecutrix saw applicant and prosecutrix together, then prosecutrix lodged a false and fabricated report against applicant. It is further submitted that charge-sheet has been filed and no custodial interrogation of the applicant is left. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the age of the prosecutrix and after going through the contents of the F.I.R., without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on

furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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