

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 830 of 2020

Anil Singh Thakur S/o Jivan Singh Thakur Aged About 31 Years R/o Quarter No. 882/2, Construction Colony Railway Area Tarbahar Bilaspur, Police Station Tarbahar, Tahsil Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh. Permanent Residence- Village Karnachaka, Police Station Lalpur, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Pramod Kumar Verma Senior Advocate along with Mr. Virendra Verma, Advocate.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.
For Objector	: Mr. Sandeep Yadav, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/08/2020

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. 135/2018, registered at Police Station Tarbahar, Distt. Bilaspur (C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, at the relevant time, the age of the prosecutrix was about 23 years. As per prosecution story, on 05.05.2018, the prosecutrix lodged a report in concerned Police Station alleging therein that she and the applicant belongs to same caste and they have developed relationship with each other and both have decided to marry. It is alleged that in the month of March 2017, the applicant called the prosecutrix to come in his house and there on the pretext of marriage, he committed sexual intercourse with her and thereafter also they were in relationship. When parents of the prosecutrix asked the applicant for their marriage, he

denied. On the basis of said report lodged by the prosecutrix, offence has been registered against the applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually there was a love relationship between them. If the entire case of prosecution taken as it is, it seems that prosecutrix was a consenting party in the alleged act. Since, she was a major lady, therefore, prima facie no offence under Section 376 of the IPC can be made out against the applicant. He further submits that on 24.10.2017, the applicant himself made a report against the prosecutrix thereafter on 05.05.2018 as a counter blast, she lodged report against the applicant. The Counsel further submits that after investigation, police has filed closer report before learned CJM but on the basis of statement recorded under Section 164 of Cr.P.C., learned CJM directed for further investigation in the matter. Learned counsel for the applicant lastly submits that since the statement of prosecutrix and other material already collected, incident is of the year 2017, therefore, he prays that the applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. 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 facts that alleged incident occurred on March 2017, FIR has been lodged after one year i.e. 05.05.2018 and after investigation police has filed closure report and on the direction of learned CJM further investigation is going on. 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 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