

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No.864 of 2020**

- Rakesh @ Preetam Das Manikpuri S/o Kaushal Das Manikpuri Aged About 29 Years R/o Ward Number 8, Kaya Kalp, Kamla Complex, Police Station- Civil Line Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Petitioner****Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Civil Line Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**


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Ms. Savita Punjabi with Ms. Kaiser Yasmeen, counsel for applicant.  
Smt. Fouzia Mirza, Additional AG for State.

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**Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****27/11/2020**

Heard.

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.350/2020, registered at Police Station–Civil Lines, Bilaspur, District Bilaspur for alleged commission of offence under Sections 376, 294, 506 of IPC.
2. Case of the prosecution is that the applicant kept on sexually exploiting the prosecutrix since 2016 on the false pretext of marriage, but, later on, the applicant refused to marry with the prosecutrix.
3. Learned counsel for the applicant submits that the present is a case of false implication and the applicant has not committed any offence. He would next submit that the applicant and the prosecutrix were having longstanding love relations and their sexual relations out of love without any false pretext as alleged by the prosecution. He would submit that initially, when prosecutrix has gone missing, her sister Neha Goswami lodged a report in the Police Station

Civil Lines, Bilaspur, whereafter on 09-01-2020, prosecutrix was traced by the police and her statement was recorded, in which, she has clearly stated that no offence has been committed on her and that she has left the house as she was not willing to marry on the pressure of the parents. Hence, no offence was registered against anyone. But, later on, prosecutrix's sister again lodged a report in the police station on 08-02-2020 that her sister was missing and again the police searched and statement of the prosecutrix was recorded, in which, a new case was made out by the prosecutrix by stating that she was sexually exploited by the applicant on the false pretext of marriage, therefore, it is argued that the present is a case of false implication.

4. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that the investigation is going on and as the prosecutrix, in her statement given to the police, has alleged that the applicant has been sexually exploiting her since 2016 on the false pretext of marriage, therefore, prima facie, a case of commission of offence under Section 376 of IPC is made out and therefore, benefit of anticipatory bail cannot be granted to the present applicant.

5. Having heard learned counsel for the parties and considered the material contained in the case diary as also the statement on record, particularly the statement of the prosecutrix and her sister as also the the memo dated 21-07-2020 of the Station House Officer of Police Station Civil Lines, Bilaspur, it is, prima facie, revealed that the prosecutrix and the applicant are having longstanding love affair and sexual relations since 2016. Initially, when the prosecutrix was found missing, her sister Neha lodged a report in the police station on 09-01-2020, the prosecutrix was thereafter searched out and in the police station, statement of prosecutrix was recorded, in which, she has stated that no offence was committed on her and she has left the house because her parents were insisting to perform marriage elsewhere, as a result, no case was registered. Thereafter, after about one month, sister of the prosecutrix again lodged a report in the police station on 08-02-2020 by stating that prosecutrix was again missing, after that, prosecutrix was again searched by the police and her statement was recorded on 24-05-2020, in which, for the first time, a different story has been stated by the prosecutrix that the applicant sexually exploited her on the false pretext of marriage since long. Therefore, possibility of false implication cannot be ruled out, particularly taking into consideration that the prosecutrix changed her statement on 24-05-2020, which is completely different from her statement recorded earlier on 11-01-2020. The applicant and

the prosecutrix both are major and they are in relations since 2016. Therefore, on these extra-ordinary features appearing on the face of record, I am of the considered opinion that this is a fit case for grant of anticipatory bail to the applicant, subject to the following conditions:-

(A) The applicant shall be released on anticipatory bail on furnishing a personal bond for a sum of Rs.25,000/ with two local surety in the like sum to the satisfaction of the arresting officer.

(B) He shall make himself available for interrogation by a police officer as and when required

(C) 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 facts to the Court or to any police officer, *and*

(D) He shall cooperate with the investigation as and when he is called.

6. Accordingly, the bail application (MCRC No.864 of 2020) is allowed.

**SD/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**