

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 862 of 2020**

Firoj Usmani S/o Shri Gaffoor Usmani Aged About 30 Years R/o Village-Raykona, Police Station- Sarsinva, Civil And Revenue District- Balodabazar-Bhatapara (Chhattisgarh)

**---- Applicant**

**Versus**

State of Chhattisgarh Through- The Station House Officer, Police Station-Sarsinva, Civil And Revenue District- Balodabazar (C.G.)

**---- Respondent**

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| For Applicant  | : | Mr. Sachin Singh Rajput, Advocate   |
| For Respondent | : | Mr. Ghanshyam Patel, Govt. Advocate |

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Hon'ble Shri Justice Arvind Singh Chandel

**Order on Board**

**15/09/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 216/2020 registered at police station – Sarsinva, District Balodabazar (C.G.) for the offence punishable under Section 376, 506 of the IPC.
3. In this case the Prosecutrix is a major and married lady. On 21.06.2020 a written report has been lodged by the prosecutrix alleging therein that one year ago, the applicant called her to work in his poultry farm and during that time he committed forcible sexual intercourse with her and made a video of the same. He also

threatened her of dire consequences and also that if she discloses to anyone about the said incident he will make her video viral. On the basis the complaint made by the Prosecutrix/Complainant, 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. He further submits that earlier a quarrel took place between the husband of the Prosecutrix and two other persons with the applicant, on the basis of which, applicant has lodged report under Sections 452, 323, 294, 506/34 of the IPC, against the husband of the prosecutrix and other two persons namely Pankaj Lehre and Jugnu Ratnakar. Thereafter, as a counter blast, the prosecutrix has made a false and fabricated report against the applicant. It is further submitted that the delay in lodging the FIR has also not been explained by the prosecution, therefore, considering the above the applicant may be granted benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties, after gone through the contents of FIR lodged against husband of the prosecutrix and particularly considering the fact that Prosecutrix had lodged the present report after one year of alleged incident and delay in lodging the FIR has not been properly explained, without further commenting on other merits of

the case, I am inclined to 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 bond in the sum of Rs.10,000/- 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 make 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.
10. Certified copy, as per rules.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**