

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 915 of 2020

Dhaneshwar Kumar Sinha @ Banti Sinha S/o Ramesh Kumar Sinha Aged About 30 Years R/o Vill.- Dabha Tah.- Magarlod, District : Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S.- Magarlod, Distt- Dhamtari, Chhattisgarh

---- Respondent

For Applicant	: Mr. Akhand Pratap Pandey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

18.09.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.46/2020, registered at Police Station: Magarlod, District: Dhamtari (C.G.) for the offence punishable under Section 450, 376 & 506 of IPC.
3. In this case, prosecutrix is a married lady and the Applicant herein is also a married person. Prior to one month of lodging of FIR, the prosecutrix went to the mobile shop of the Applicant, at that time, both have exchanged their mobile numbers. Allegations against the present Applicant is that, on 07.03.2020 at around 10:00 P.M. when the husband of the prosecutrix was not in her house, the

Applicant entered her house and committed sexual intercourse with her and when the husband of the prosecutrix came their the Applicant fled away from the spot. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. Virtually, the present Applicant as well as the prosecutrix are married person and they have committed sexual intercourse with their consent. He submits that if the entire case is taken as it is, it seems that the prosecutrix was a consenting party, the husband of the prosecutrix has seen the present Applicant along with prosecutrix, that his why, on his pressure, the prosecutrix has falsely implicated the present Applicant, therefore, Prima Facie no case is made out against the present Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after going through the contents of 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