

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 906 of 2020**

Vidyanand Sidar S/o Sahdev Sidar, aged about 47 years, Occupation- Clerk Assistant Grade-2, Posting- Tehsil Office, Baramkela, R/o Village- Jhabad, P.S. Baramkela, Distt. Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Baramkela, Distt. Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

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 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. 113/2020 registered at police station – Baramkela, Distt. Raigarh (C.G.) for the offence punishable under Sections 454, 376 & 506 of the IPC.
3. In this case, the Prosecutrix is a married lady aged about 30 years. On 03/07/2020, she made a report alleging therein that initially on 06/09/2016, when she was alone in her house, the applicant entered into her house and committed forcible sexual intercourse with her and threatened her to kill. It is also alleged that since June, 2017 the

applicant had been continuously committing sexual intercourse with her, and due to fear she did not disclose this fact to anybody. On the basis of the said report made by the Prosecutrix, 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. Prima-faice no case under Section 376 of the IPC is made out against the applicant as the Prosecutrix is a major married lady. The incident is of the year 2016-17 and the FIR has been lodged after 3 years of the incident i.e. 03/07/2020, there is delay of about 3 days which has not been explained properly. If the entire case of the prosecution is taken as it is, yet it seems that the Prosecutrix was the consenting party. He prays to extend the benefit of anticipatory bail to the applicant.
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 and the fact that the incident is of the year 2016-17 and the FIR has been lodged after three years of the incident, without further commenting on other merit of the case, I am inclined to extend the benefit of 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**