

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 975 of 2020

Sarafraj Khan S/o Abdul Salam Khan, Aged About 32 Years R/o Village Adhinapur Salka, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/09/2020

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. 56/2020, registered at Police Station Bhatgaon, Distt. Surajpur (C.G.) for the offence punishable under Section 376 (2)(n) of the IPC and Section 6 of the POCSO Act.
3. In this case, presently the prosecutrix is aged about 23 years. According to the case of prosecution, on 08.06.2020, report has been lodged by the prosecutrix alleging therein that since 2013, on the pretext of marriage, the applicant had been committing sexual intercourse with the prosecutrix on various occasions and later on refused to solemnized marriage with her. On the basis of said report, 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 due to some dispute with the prosecutrix. He further submits that presently they both have performed marriage and residing with each other and now the prosecutrix has no objection if the anticipatory bail may be granted to the applicant. Hence, it is prayed that the applicant may be

granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. Learned Counsel appearing on behalf of objector supported the arguments advanced by Counsel for the applicant and submits that the applicant and the prosecutrix have performed marriage with each other and the prosecutrix has no objection if the anticipatory bail may be granted to the applicant.
7. I have heard learned Counsel for the parties.
8. 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 the incident is of the year 2013, FIR has been lodged after 7 years and the applicant and the prosecutrix have performed marriage with each other. 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.
9. Accordingly, the anticipatory bail application is allowed.
10. 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