

HIGH COURT OF CHHATTISGARH, BILASPURMCRCa No. 1041 of 2020

1. Tulsi Ram Sharma S/o Narhari Sharma Aged About 27 Years R/o Khushi Vatika , V.I.P. Road, Telibandha, District Raipur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District Raipur Chhattisgarh.

---- Respondent

For Applicant

Mr. Rahim Ubwani, Advocate

For Respondent /State

Mr. Alok Bakshi, Addl. Adv. General

Hon'ble Mr. Justice Prashant Kumar MishraOrder On Board3/12/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.181/2020, registered at Police Station Telibandha, Dist. Raipur, for offence punishable under Sections 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. In the FIR lodged on 15-6-2020 the prosecutrix, aged about 17 years, would allege that the applicant committed sexual intercourse for a period of one year on promise to marry. Similar is the stand in her statement under Sections 161 & 164 of the Cr.P.C. both recorded on 16-6-2020, however, on 26-6-2020 she submitted a written application addressed to the Superintendent of Police, Raipur, (Annexure – A/3) clearly mentioning that the applicant, who owns Plant Valley Nursery, VIP Road, Raipur, removed her from service,

therefore, she lodged the false report on which she does not want any action and that she desires to withdraw the FIR. In her supplementary statement recorded under Section 161 Cr.P.C. recorded on 3-7-2020 she has reiterated that she does not want any action on the FIR.

3. Irrespective of the fact as to whether an FIR disclosing a cognizable offence can be withdrawn at this stage, suffice it would be to say that because of varying or contradictory stand of the prosecutrix as also looking to the health condition of the applicant for which documents have been filed along with the bail application, this Court is inclined to release the applicant on anticipatory bail.
4. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - he shall make himself available for interrogation by a police officer as and when required;
 - 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.
 - he shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri