

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 971 of 2020**

Laxman Patel S/o Johan Patel, Aged about 28 years, Occupation Police Officer,
R/o Village Karmandi, Bhatgaon P.S. Bhatgaon, District Balodabazar
Bhathapara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through P.S. Bhatgaon, District Balodabazar- Bhathapara
(C.G.)

---- Respondent

For Applicant	:	Mr. Pawan Kesharwani, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**16/10/2020**

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. 138/2020 registered at police station – Bhatgaon, District Balodabazar-Bhathapara (C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, the age of the Prosecutrix is about 22 years. The applicant is constable and presently posted at Balodabazar, P.S. Bhathapara. On 20/06/2020, a report has been lodged by the Prosecutrix alleging therein that on 20/07/2017, first time, the applicant on the pretext of marriage had committed sexual intercourse with her in her village. Thereafter, on

various occasions, he committed sexual intercourse with her. Lastly, on 23/11/2019, he had committed sexual intercourse with her and thereafter he refused to marry with her. On the basis of said report made by the Prosecutrix, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. The applicant and the Prosecutrix, both are residents of same village and well acquainted each other. On 10/06/2020, the applicant got married with one Lalita, thereafter on 20/06/2020 present report has been lodged by the Prosecutrix. He further submits that on 20/07/2017, the applicant was on his duty at P.S. Bhatapara and on 23/11/2019, he was again on his duty at P.S. Balodabazar, therefore, it appears that a false and fabricated report has been lodged to falsely implicate the applicant. 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, arguments advanced by the parties and after going through the contents of the FIR and documents submitted by the counsel for the applicant, it appears that the Prosecutrix is a major lady, the alleged incident firstly occurred on 20/07/2017 and lastly on 23/11/2019, instead thereof that she made the report on 20/06/2020 and further considering that on 20/07/2017 the applicant was on his duty at Police Station Bhatapara, 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