

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1025 of 2020**

Rajbir Singh S/o Shri Dalbir Singh, Aged about 24 years R/o Buttar Transport,
Tatibandh Chowk Raipur, Tahsil and District Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Acting through Officer In-Charge Police Station Khursipar,
Bhilai Durg (C.G.)

---- Respondent

For Applicant	:	Mr. K.A. Ansari, Senior Advocate with Mr. Aman Ansari, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate
For Objector	:	Mr. Ramesh Kumar Nayak, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**12/10/2020**

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. 0372/2020 registered at police station – Khursipar, Bhilai, Durg (C.G.) for the offence punishable under Sections 366, 376, 450, 406 & 294 of the IPC.
3. In this case, the Prosecutrix is a major married lady. According to the case of the prosecution, the applicant and husband of the Prosecutrix were having friendly terms. They used to visit each other house. The applicant started flirting with the Prosecutrix. On 03/01/2020, he made a video call to the Prosecutrix at 12:30 in the midnight, and thereafter

entered into her house. He threatened her that if she does not submit herself to him, he will kill her mother-in-law, father-in-law, and the child, and forcibly committed sexual intercourse with her. It is further alleged that thereafter on various occasions after giving threatening, he again and again committed sexual intercourse with her. On 09/06/2020, the applicant had forcibly taken her in a car to M.P. Dhaba of Raipur where she was made to take liquor and the applicant has physically exploited her. On the next day, the applicant dropped her to Khurispur near police station. On 12/06/2020, the Prosecutrix lodged an FIR and on that basis 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. Virtually, husband of the Prosecutrix had taken loan of Rs. 2,00,000/- from the applicant and he was not refunding the loan amount. On demand, husband of the Prosecutrix lodged a false and fabricated report through his wife against the applicant. He further submits that since husband of the Prosecutrix had tortured her, therefore, the Prosecutrix initially had lodged a report against her husband. Thereafter, on pressure of her husband, she made this present false and fabricated report. He further submits that in her statement recorded under Section 164 of the Cr.P.C, the Prosecutrix has not supported the case of the Prosecution. Before the Court below also, while deciding the bail application of the application, she also filed her no objection. Before this Court also, the Prosecutrix gave her affidavit and submits that she has no objection to grant bail to the applicant.

5. Mr. Rakesh Kumar Nayak, Advocate for the Prosecutrix supported the case of the applicant and submits that the Prosecutrix has no objection to grant bail to the applicant.
6. Since, the Complaint made by the husband of the Prosecutrix received by this Court, therefore, I have talked with the Prosecutrix today through video conferencing. She appeared with her counsel Mr. Rakesh Kumar Nayak. She has been duly identified by Mr. Nayak. As submitted by the Prosecutrix, there was no alleged offence committed by the applicant with her. The report was made only on the pressure of her husband and she has no objection to grant bail to the applicant.
7. Learned counsel appearing on behalf of the State opposes the said application.
8. I have heard counsel for the parties.
9. Considering the facts and circumstances of the case, arguments advanced by the parties and the statement made by the Prosecutrix before this Court, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
10. Accordingly, the anticipatory bail application is allowed.
11. 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.

12. Certified copy, as per rules.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul