

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 982 of 2020**

Deepankar Sahu, aged about 52 years S/o Shri Vasudev Gupta R/o P.G. Boys Hostel, Pt. Jawahar Lal Medical College, Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Police Station D.D. Nagar, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. K.P. Sahu, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**08/10/2020**

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. 201/2020 registered at police station – D.D. Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, the Prosecutrix is a lady aged about 29 years. On 26/06/2020, she made a report alleging therein that in between 10/11/2019 to 05/03/2020, the applicant on the pretext of marriage committed sexual intercourse with her and later on he refused to marry with her. On the basis of the said report, 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 there was love relationship between the applicant and the Prosecutrix and due to this the Prosecutrix herself had developed physical relationship with the applicant. He further submits that the applicant and the Prosecutrix has now performed marriage and presently both are residing together as husband and wife. He prays to extend the benefit of anticipatory bail to the applicant.
5. The Prosecutrix also appears through help desk of this High Court. She does not oppose the bail application and supported the contents of the applicant and bail application.
6. Learned counsel appearing on behalf of the State opposes the said application.
7. I have heard counsel for the parties.
8. With regard to marriage of the applicant and the Prosecutrix, a marriage certificate of Arya Samaj has been annexed.
9. Considering the facts and circumstances of the case, particularly considering that both the parties have performed marriage and presently residing together as husband and wife, 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**