

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1084 of 2020

Pawan Saini S/o Suraj Saini Aged About 31 Years R/o Saini Farm House, Khandwa Road, Bairagarh, District Harda (M.P.) Present Address B-10, N.H. - 5, Opposite Little Kingdom School N.T.P.C. Colony , Rihand Nagar , Birajpur , District : Sonbhadra, Uttar Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer , Police Station Sarkanda , Bilaspur , District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Deepak Gupta, Mr. Sachin Singh Rajput, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Raj Kumar Gupta, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16.09.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.684/2020, registered at Police Station: Sarkanda, District: Bilaspur (C.G.) for the offence punishable under Section 376, 376 (2) (N) & 506 of IPC.
3. In this case, the prosecutrix is a major girl aged about 25 years. As per prosecution story, on 16.07.2020, a report has been lodged by the prosecutrix, wherein, it has been alleged that initially in the year 2015, on the pretext of marriage, the present Applicant committed sexual intercourse with the prosecutrix thereafter, up to March, 2019 continuously committed sexual intercourse with the prosecutrix on various occasions at various places on pretext of marriage. Finally, on March, 2019, the present Applicant refused to marry the complainant.

On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. At the relevant time, the Applicant was posted at NTPC, Seepat, Bilaspur (C.G.). The Applicant was also imparting education in You Tube Channel of Unacademy. The Subscribers/Followers used to take online coaching from the said You Tube Channel. The prosecutrix was also one of the subscriber/follower of the Unacademy You Tube Channel. During the course of online coaching, she came in contact with the Applicant. Thereafter, the prosecutrix asked for monetary help from the Applicant stating that she was not in a good financial condition. Thereafter, the prosecutrix started threatening the Applicant on Whats App and demanded money from him and threatened him to implicate him in false case. Referring to the Whats App Chat held between the prosecutrix and the Applicant, learned counsel submits that even after the Applicant blocked the prosecutrix, she used to trouble the Applicant. He further submits that if the entire case of the prosecution is taken as it is, it appears that the prosecutrix was a consenting party and from the contents of written complaint, it appears that on March, 2019, the Applicant initially refused marriage with the prosecutrix, in spite of that, the prosecutrix lodged written complaint after more than 1 year that is on 16.07.2020 therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State as well as for the objector opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after going through the Whats App chat held between the prosecutrix and the Applicant, it appears that there was a love relationship between both of them and considering that the alleged incident occurred between the year 2015 to 2019 and FIR has been lodged after one year, 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.

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 personal bond in the sum of Rs. 25,000/- 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 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