

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1137 of 2020

- Taranarayan Banjare S/o Sitaram Banjare Aged About 36 Years Resident Of Village Dumhani, Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Bilaigarh, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Bharat Rajput, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

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 preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 146/2020 registered at Police Station Bilaigarh, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 376, 506-B of Indian Penal Code.
3. According to the case of the prosecution, prosecutrix is a lady aged about 27 years. In the year 2013 applicant and the prosecutrix developed love relationship. On 11.9.2013 applicant took her in a rental house and on the pretext of marriage, committed sexual

intercourse with her. Thereafter, applicant continuously committed sexual intercourse with prosecutrix on several occasions at various places thereafter, he refused to marry with her. On the basis of the report made by complainant/prosecutrix on 29.6.2020, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that prosecutrix is well educated major lady. If the entire case is taken as it is, it appears that she was the consenting party. Moreover, report was lodged after a gap of seven years of the incident. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that prosecutrix is a major lady and consenting party and report has been lodged after a gap of seven years of the incident, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on

furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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