

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1099 of 2020

Dileshwar Prasad Yadav S/o Joginder Ram Yadav Aged About 32 Years R/o Village Kharkhata, Post Tamla, District Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Mana, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Dr. Shailesh Ahuja, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this 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. 61/2020, registered at Police Station Mana, Distt. Raipur(C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, the prosecutrix is a girl aged about 28 years. According to the case of prosecution, on 13.06.2020, FIR has been lodged by the prosecutrix alleging therein that from July 2013, on the pretext of marriage, the applicant committed sexual intercourse with her on various occasions. On 05.06.2020 also, he committed sexual intercourse with her and later on he refused to solemnize marriage with her. On the basis of said report, offence has been registered against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that if the entire case of prosecution taken as it is, it seems that prosecutrix was a consenting party in the alleged act. The

prosecutrix is a major lady aged about 28 years, therefore, prima facie no case can be made out against the applicant. The Counsel lastly submits that the incident is of the year 2013 and FIR has been lodged after 7 years of the incident. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the prosecutrix is a major lady and there is a delay in lodging FIR. 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 for a sum of Rs. 25,000/- with one solvent 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 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