

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1165 of 2020

Ramesh Patel S/o Shri Ramsingh Patel Aged About 26 Years R/o Village Laduwa, Police Station Pandatarai, Tahsil Pandariya, District Kabirdham Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sakari, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Mr. Ranbir Singh Marhas, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Sumit Singh Rathore, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/09/2020

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. 217/2020, registered at Police Station Sakari, Distt. Bilaspur (C.G.) for the offence punishable under Section 376 of the IPC.
3. In this case, the prosecutrix is a lady aged about 33 years. According to the case of prosecution, on 09.08.2020, FIR has been lodged by the prosecutrix alleging inter alia that she is working as a lecturer in Nursing College where the applicant got admission in the year 2017. It is alleged that the applicant implicated the prosecutrix in his love and started living in relationship in rental house at Uslapur, Saidham. It is further alleged that the prosecutrix got pregnant in the year 2019 and the applicant got aborted her child. It is further alleged that on 06.10.2020, the applicant went to his house to attend marriage ceremony of his brother and after few days it came to the knowledge of the prosecutrix that the applicant got

married with another lady then the prosecutrix contacted the applicant and he told her about his marriage and refused to go back 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 virtually the applicant was student of the prosecutrix and for the reason of study, he sometime met with the prosecutrix and the prosecutrix asked him for some household works which was done by the applicant in respect of his teacher but the prosecutrix expressed her love before the applicant and proposed him to marry but the applicant refused to do so by saying that she is his teacher and she is elder than him. Later on, on 25.06.2020, the applicant got married. Thereafter, a false and fabricated report has been lodged by the prosecutrix. The Counsel further submits that the prosecutrix is a major lady aged about 33 years and if the entire case of prosecution taken as it is, it is not acceptable that the applicant had been committing sexual intercourse with her on the pretext of marriage. Since, she was a consenting party, aged about 33 years and lodged FIR after three years after the marriage of present applicant, therefore, 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, documents annexed with the application and further considering the facts that the prosecutrix is a major lady and FIR has been lodged after three years of the alleged incident after marriage of the applicant. 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