

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1491 of 2020**

1. Narayan Prasad Shukla S/o Shri Ghasi Prasad Shukla Aged About 63 Years R/o Gaurmati Police Station And Tahsil S. Lohara, District : Kawardha (Kabirdham), Chhattisgarh
2. Ushabai Shukla W/o Shri Narayan Prasad Shukla Aged About 60 Years R/o Gaurmati Police Station And Tahsil S. Lohara, District : Kawardha (Kabirdham), Chhattisgarh
3. Ku. Arti Shukla D/o Shri Narayan Prasad Shukla Aged About 29 Years R/o Gaurmati Police Station And Tahsil S. Lohara, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate, Kawardha, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent**WITH****MCRCA No. 1331 of 2020**

Ashok Sharma S/o Shri Ramkhilawan Sharma Aged About 49 Years R/o Village Mahrajpur, Police Station Kawardha, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Kawardha, District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	: Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02.11.2020

1. The matter is heard through Video Conferencing.

2. Heard on admission with regard to MCRCA No.1491/2020.
3. The case is admitted.
4. Since, case diary is available and both the cases are arising out of same crime number, therefore with the consent of both the parties, they are being decided finally by this common order.
5. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.117/2020, registered at Police Station: S. Lohara, District: Kabirdham (C.G.) for the offence punishable under Section 376 (2) (n), 342 & 506/34 of IPC.
6. In this case, Applicant No.1, 2 & 3 (in MCRCA No.1491/2020) are the Father-in-law, Mother-in-law & Sister-in-law and the Applicant (in MCRCA No.1331/2020) is the Maternal Uncle (*Mama*) of the main accused Ajay Shukla. The prosecutrix in this case is a major lady aged about 32 years. As per the prosecution story, Ajay Shukla has given assurance to the prosecutrix that he will get divorce from his wife and on the false pretext of marriage, he committed forcible sexual intercourse with her in various places. Allegations against the present Applicants are that, they kept the prosecutrix in their house with the assurance that they will perform her marriage with their son Ajay Shukla and later on, Ajay Shukla refused to marry the prosecutrix. On the basis of said, offence has been registered.
7. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that the prosecutrix is a major lady aged about 32 years and if the entire case is taken as it is, it appears that she was a consenting party. He also submits that main allegations regarding commission of rape is against co-accused Ajay Shukla who has been already arrested. Allegations against the present Applicants relates to offence punishable under Section 342 of IPC only which is bailable in nature, therefore, it is prayed that the present Applicants may be

granted benefit of anticipatory bail.

8. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
9. I have heard learned Counsel for the parties.
10. Considering the facts and circumstances of the case, arguments adduced by counsel for the parties and after going through the contents of FIR as well as other material, it appears that allegations of rape are against Ajay Shukla, who has already been arrested, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
11. Accordingly, the anticipatory bail applications are allowed.
12. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge