

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1305 of 2020**

- Kshitij Mishra, S/o Manoj Mishra, aged about 27 years, R/o Bramhan Para, Lormi, Police Station Lormi, District Mungeli (CG)

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mungeli District Mungeli Chhattisgarh

**---- Non-Applicant**

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For Applicant : Shri Dharmesh Shrivastava, Advocate.  
For Non-Applicant : Shri Alok Bakshi, Additional AG.

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****25/11/2020 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.443/2020, registered at Police Station City Kotwali, District Mungeli for offences punishable under Section 376, 294 and 506 of the IPC.
2. The applicant is facing allegation of sexual exploitation of the prosecutrix on promise to marry. As per the material available in the case diary, the prosecutrix, presently aged about 26 years, was married with one Sunil Kesharwani in the year 2013 and has two sons out of the wedlock. According to her statement recorded under Section 164 CrPC, while she continued to live with her husband and two sons, she developed relations with the present applicant and in course, the applicant started sexually exploiting her. He also married her by putting Mangalsutra and vermilion on her forehead, however, later on, when she insisted for actual marriage, the applicant denied.

3. There is no material in the case diary indicating that the prosecutrix is either living separate from her husband or has sought divorce. In the circumstances, it is difficult to comprehend that a married lady would be exploited by another man on promise to marry.
4. Having seen the nature of allegation and for the fact that the prosecutrix is not minor but is a married lady having two sons and her marriage is also subsisting and there appears to be consensual sex between the applicant and the prosecutrix, I am inclined to extend the benefit of anticipatory bail to the applicant.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
  - (i) he shall not influence the witnesses during trial.
  - (ii) he shall make himself available for interrogation by a police officer as and when required;
  - (iii) 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 from disclosing such facts to the Court or to any police officer.

**Sd/-**  
**Judge**  
(Prashant Kumar Mishra)