

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1461 of 2019

- Anand Sethiya S/o Shri Tularam Sethiya Aged About 21 Years R/o Thana and Village-Nagarnar, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Nagarnar District Bastar, Chhattisgarh

---- Respondent

For Applicant	: Mr. Somkant Verma, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/02/2020

1. 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. 185/2019, registered at Police Station Nagarnar, Distt. Bastar (C.G.) for the offence punishable under Sections 376 & 313 of the IPC.
2. In this case, prosecutrix is a girl aged about 23 years. As per prosecution story, on 08.08.2019, the prosecutrix lodged a report in concerned police station alleging therein that the applicant on the pretext of marriage was in physical relationship with the prosecutrix since 2015 due to which she got pregnant. Thereafter, the applicant caused her to abort the child. Later on when the applicant got a job, he refused to marry with the prosecutrix. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the crime

in question. He further submits that the prosecutrix is a major lady and according to her school certificates also, she was aged about 19 years in the year 2015. The Counsel further submits that If the entire case taken as it is, it seems that she was a consenting party. Prima Facie no case can be made out against the applicant, therefore, he may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. 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 facts that the prosecutrix is a major lady and according to her school certificates also, she was aged about 19 years in the year 2015. It is a matter of consent. In these circumstances, in my considered opinion, without further commenting on other merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one 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 the 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