

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1503 of 2019

Suyal Kumar Nag, S/o Shri Suddharam Nag, Aged 28 years, R/o Geedam Road, Ganga Nagar Ward, Jagdalpur District- Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.- Bodhghat, Jagdalpur, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant : Ms. Madhunisha Singh, Advocate.

For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/01/2020

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. 199/2019, registered at Police Station Bodhghat, Jagdalpur Distt. Bastar, Chhattisgarh for the offence punishable under Section 376 of the IPC.
2. In this case, at the relevant time age of the prosecutrix was about 21 years. As per prosecution story, on 26.08.2019, the prosecutrix lodged a report in concerned police station alleging therein that on the pretext of marriage, the applicant was committing sexual intercourse with her since 2017 and later on, he refused to marry her. 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 present case due to some dispute with the prosecutrix. Virtually, there was a love relationship between both of them and they both have decided to marry with each other. The applicant and the prosecutrix had made an application for registered marriage before

the Special Marriage Officer alongwith the relevant documents, however, due to some dispute between both the parties, the prosecutrix did not appear before the Special Marriage Officer on the fixed date of their marriage, therefore, the said application was dismissed. The Counsel further submits that at present also, the applicant is ready to marry with the prosecutrix. The Counsel finally submits that the applicant is a reputed person of his society and he is the permanent resident of above mentioned address and there is no chance of his absconding, 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 fact that the prosecutrix did not appear before the Special Marriage Officer on the fixed date of their marriage. 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.
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 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 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

Shubham