

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1506 of 2019

- Vinit Khute S/o I.R. Khute Aged About 28 Years R/o Dharampura No.3 Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kotwali Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.
For Objector	: Mr. Pushkar Sinha, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/01/2020

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. 76/2019, registered at Police Station Kotwali, Distt. Bastar (C.G.) for the offence punishable under Section 376 of the IPC.
2. In this case, at the relevant time, age of the prosecutrix was about 20 years. As per prosecution story, on 19.02.2019, the prosecutrix lodged a report in concerned police station alleging therein that before four months from the date of lodging the FIR, the applicant taken her to his house and on the pretext of marriage, he committed sexual intercourse with her and later on he refused to marry with 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. Virtually, there was a love relationship between the applicant and the prosecutrix due to some dispute between them, the present complaint has been filed. The counsel further submits that if the entire story taken as it is, it seems that it is a matter of consent. The counsel lastly submits that both the parties have settled their dispute out of the Court and the prosecutrix herself do not want to take any action against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. Learned Counsel appearing on behalf of the objector submits that both the parties have settled their dispute out of the Court.
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 and further considering the fact that both the parties have settled their dispute out of the Court. 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 in the sum of Rs. 25,000/- 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