

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1530 of 2019

Shrawan Yadav S/o - Jokhan Yadav Aged About 28 Years R/o -
Nawapara, Aragahi Police Station Ramanujganj, District Balrampur-
Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

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. 140/2019, registered at Police Station: Ramanujganj, District-Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 450, 376 of IPC.
2. In this case age of the prosecutrix at the relevant time is about 24 years. As per the prosecution story, on 10.08.2019 the prosecutrix lodged a report alleging therein that in the intervening night of 09.08.2019 at around 12:00 A.M. when the prosecutrix was sleeping the present Applicant entered in her room, switched off the lights and committed sexual intercourse with her. When she came to know that he was not her husband, the present Applicant ran away from her house. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that if the entire prosecution story is taken as it is, it seems that prosecutrix herself

is a consenting party and she lodged report because her husband has seen the prosecutrix with the present Applicant at that night therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the Applicant and evidence collected by the prosecution, 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. 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