

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1546 of 2019

Komal Singh Jangde S/o Ganesh Ram Jangde Aged About 30 Years R/o Near Sai Aanandum, Uslapur, Police Station Sakri, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Officer Incharge, Police Station Sakri, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amit Kumar Chaki, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/01/2020

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. 260/2019, registered at Police Station: Sakri, District-Bilaspur (C.G.) for the offence punishable under Section 376 & 506 of IPC.
2. In this case the prosecutrix is aged about 26 years. As per the prosecution story, on 20.08.2019 FIR has been lodged by the prosecutrix alleging therein that in the month of January & February, 2019, present Applicant on the pretext of marriage committed sexual intercourse and when the prosecutrix asked the Applicant to marry her he denied to marry. 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 due to some dispute as there was a love relationship between the Applicant and the prosecutrix. He submits that if the entire case is taken as it is, it seems that prosecutrix was a consenting party. The Applicant is still ready to marry her and for this purpose family members of the Applicant visited the house of the prosecutrix but now prosecutrix denied the marriage 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 parties and further considering the fact that prosecutrix was a consenting party, 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