

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1601 of 2019**

- Vinod Kujur S/o Shri Thomas Kujur, Aged About 32 Years, Occupation Service in Home Guard, By Caste - Uraon, R/o Village Ghughari, Thana and Tahsil - Bagicha, Civil and Revenue District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Bagicha, Civil and Revenue District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****23/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 119/2019 registered at Police Station Bagicha, District – Jashpur, (C.G.) for the offence punishable under Sections 376 of Indian Penal Code.
2. As per the prosecution story, prosecutrix is an unmarried girl aged about 21 years. On 23.08.2019 she lodged a complaint alleging therein that during the period between March, 2017 to June 2019, present applicant on pretext of marriage, committed sexual intercourse with her on various occasions, thereafter, refused to marry with her. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the prosecutrix. He further submits that prosecutrix is a major girl and consenting party in the alleged act. Thus, *prima facie*, no case is made out against applicant. It is further submitted that there is delay in lodging the F.I.R. by the prosecutrix. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 fact to the Court,
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) He 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

Prakash