

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1667 of 2019

- Piyush Jha S/o Sanjay Jha Aged About 26 Years Occupation-R/o Capital City Phase 3 Raipur, P.S. And Tehsil Raipur, District- Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Ambikapur, District-Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/01/2020

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. 48/2019, registered at Police Station Mahila Thana Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 294, 323, 506, 354-B, 354-C, 354-D, 376 (2)(m), 376 (2) (n) and 509 of the IPC.
2. In this case, the prosecutrix is a married lady and a dental Doctor aged about 26 years. As per prosecution story, on 23.09.2019, a written report has been lodged by the prosecutrix in concerned police station alleging therein that due to previous relationship with the applicant, she met the applicant at Hotel Royal Kailash Saddu, where the applicant pressurized her and committed forcible sexual intercourse with her and he also recorded videos and photos of the prosecutrix to threaten her later on in various occasions. It is further

alleged that on 08.08.2019, the applicant assaulted the prosecutrix and pushed her from the roof due to which, she sustained grievous injury and her back bone was fractured. 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. He further submits that the prosecutrix is a major and married lady and if physical relationship has been developed, it can be done by the consent of the prosecutrix. No case under Section 376 of the IPC can be made out against the applicant. He further submits that the prosecutrix has developed extra marital affair with the applicant, they both have used to talk, chat and meet with each other. He further submits that relationship between the prosecutrix and her husband is also not going good and due to which divorce matter is also pending. The prosecutrix used to pressurized the applicant to live with her and when he refused, a false and fabricated report has been lodged by her. The Counsel finally submits that the applicant is a reputed person of his society, he is a 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 the parties and perused the case diary.
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 prosecution is a major and married lady, after perusal of whatsapp messages, love letters, pictures of the prosecutrix and the applicant as annexed **Annexure A-3**, 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 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