

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1673 of 2019

- Rakesh Bala S/o Shri Pran Gopal Bala, Aged About 28 Years, R/o Ramkrishnapalli Pakhanjur, Post-Thana & Tahsil-Pakhanjur, Civil & Revenue Distt.-North Baster Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Pakhanjur, Civil & Revenue District North Baster Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/02/2020

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. 136/2019, registered at Police Station Pakhanjur, Distt. North Baster Kanker (C.G.) for the offence punishable under Sections 376, 312 & 506 of the IPC.
2. In this case, prosecutrix is aged about 24 years. As per prosecution story, on 17.09.2019, the prosecutrix lodged a report in concerned police station alleging therein that the applicant and the prosecutrix known to each other. On 05.03.2018, the applicant taken her at the jungle and committed forcible sexual intercourse with her and thereafter, many times he did the same thing with the prosecutrix due to that she got pregnant. Later on, the applicant caused her to abort the child, refused to marry with her and closed all the contacts with the prosecutrix. 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 crime in question. He further submits that the prosecutrix and her family members wanted to get marriage of the applicant and the prosecutrix and the applicant refused to do so, therefore, a false report has been lodged by the prosecutrix. The Counsel further submits that if the entire case taken as it is, it seems that the prosecutrix was a consenting party in the alleged act. Since, she was a major lady and consenting party, therefore, no case can be made out 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. I have heard learned Counsel for both the parties.
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 it is a matter of consent. Without further commenting on other merits of the case, I am inclined to 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