

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1687 of 2019

Krishna Goutam S/o Shri Kant Aged About 25 Years Caste Brahman, R/o.
Village Bandhi, Tahsil And P.S. Pendra, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station
Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogeshwar Sharma, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

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. 187/2018, registered at Police Station: Marwahi, District-Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.
2. In this case prosecutrix is a major lady aged about 21 years. As per prosecutrix story, on 18.12.2018, prosecutrix made a report alleging therein that, on the pretext of marriage the Applicant has committed sexual intercourse with the prosecutrix for last three years. 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 with the prosecutrix. He submits that prosecutrix is a major lady and if the entire case of the prosecution is taken as it is, it seems that prosecutrix was a consenting party therefore, Prima Facie no case can be made out against the present Applicant 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 is a consenting party who is also a major lady therefore, 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