

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1750 of 2019**

- Fuleshwar Mandle S/o Daulatram Mandle Aged About 18 Years R/o Chherkadih, Palari District - Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri S. P. Verma, Advocate.
For Respondent/State	: Shri Anand Vema, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 259/2019 registered at Police Station Bilaigarh, District – Balodabazar-Bhatapara, (C.G.). for the offence punishable under Sections 376, 34 of IPC.
2. As per the prosecution story, on 03.09.2019, prosecutrix aged about 20 years, lodged a report alleging therein that she came in contact with co-accused Milan Dhritlahare through facebook and thereafter, they both started talking to each other. During the month of April, 2019, co-accused Milan took the prosecutrix in the jungle and committed sexual intercourse with her. After few days, again co-accused took the prosecutrix in the jungle and committed forcible sexual intercourse with her. It is alleged that present applicant was also present at the spot and was helping the co-accused in committing the alleged act by holding the hands and legs of prosecutrix. Thereafter, on various occasions, co-accused committed sexual intercourse with the prosecutrix on pretext of marriage and later on, 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. He further submits that main allegation is against the co-accused Milan Dhritlahare and a false and fabricated story has been narrated by the prosecutrix against present applicant. Allegation made against present applicant seems to be unnatural. He further submits that F.I.R. has been lodged after a gap of two months of alleged act. Therefore, 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 and further considering the fact that main allegations have been made against co-accused person i.e. Milan Dhritlahare, therefore, 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 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 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 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