

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1846 of 2019**

Sudarshan Behra, S/o. Shri Ram Lal Behra Aged About 29 Years  
Occupation- Laborer, R/o.- Village- Taparia, P/s.- Himgir, District-  
Sundargarh, Odisha.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through- Station House Officer Of The Police  
Station- Chakradhar Nagar, District- Raigarh, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Abhishek Saraf, Advocate. |
| For Respondent/State | : Mr. Shubham Verma, P.L.       |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**11/02/2020**

1. The applicant has filed this **second 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. 117/2019, registered at Police Station: Chakradhar Nagar, District- Raigarh (C.G.) for the offence punishable under Section 363 & 376 of IPC.
2. First bail application of the Applicant was dismissed for want of prosecution vide order dated **14.10.2019** passed in **MCRCA No.1642/2019**.
3. In this case the prosecutrix is a married lady aged about 31 years. As per the prosecution story, on 08.04.2019, prosecutrix made a report, wherein, she stated that some dispute took place between the prosecutrix and her husband on 09.03.2019 and after the dispute, at around 08:00 P.M the prosecutrix left her house and was going towards Sanjay Nagar at her parental house, at that relevant time the present Applicant came to the prosecutrix and said that he will drop her in her parental house, but from there they went to the house of sister of Applicant's friend and resided there for about 1 week and at the said house Applicant committed forcible sexual intercourse with the prosecutrix. On the basis of said background, offence has been registered.

4. 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 further submits that if the entire case of the prosecution is taken as it is, it seems that prosecutrix was a consenting party of the alleged act and the incident is of 09.03.2019 and F.I.R. Was lodged on 08.04.2019 therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering that prosecutrix was a consenting party, a married lady and there was delay in lodging the F.I.R, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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**