

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1763 of 2019

Ranjit Ram S/o Tulsi Ram Aged About 30 Years Caste - Uraon,
Occupation Constable, Indian Army, Present Address - Amritsar, Punjab,
R/o Village Nimgaon, Tehsil And District Jashpur Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Police Station Jashpur, District
Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Prasad, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/01/2020

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. 219/2019, registered at Police Station: Jashpur, District-Jashpur (C.G.) for the offence punishable under Section 376 of IPC.
2. In this case the age of the prosecutrix at the time of lodging of FIR was about 28 years. As per the prosecution story, on 15.04.2011, the Applicant committed sexual intercourse with the prosecutrix and thereafter he further committed sexual intercourse in different places however, subsequently some dispute arose between both of them thereafter Applicant denied to marry with the prosecutrix. 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. He 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 she is also a major lady, therefore, Prima Facie no case under Section 376 of IPC can be made out against the 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 was a consenting party of the alleged act and also she is a major lady, 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