

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1902 of 2019

Om Prakash Chandra, S/o Ayodhya Prasad Chandra, Aged about-
28 years, R/o- Village- Jaijaipur, P.S. & Tahsil- Jaijaipur, District-
Janjgir-Champa (C.G.), at Present- R/o- Bram Anugul, Tahsil &
District- Angul (Odisha) ---- Applicant

Versus

1. State of Chhattisgarh, through- District Magistrate- Korba,
Tahsil & District- Korba (C.G.)
2. Kavita Chandra, W/o Om Prakash Chandra, R/o- Village-
Jaijaipur, P.S. & Tahsil Jaijaipur, District- Janjgir-Champa
(C.G.) ---- Respondents

For Applicant : Mr. Yogesh Chandra, Advocate
For State/Respondent No. 1 : Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

02/03/2020

1. This is second bail application preferred under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail as the applicant apprehension of arrest in Crime No. 113 of 2018 registered at Police Station- Balco, District- Korba (C.G.) for offence punishable under Section 376(1) of the Indian Penal Code, 1860. Earlier application rejected by this Court on 28th June, 2018.
2. The present application is repeat one and it is filed on the ground that after rejection of the first application on 6th July, 2018, the prosecutrix and the applicant have married and have filed marriage certificate issued by Municipal Corporation, Korba (C.G.) as per Schedule-D {Rule-7(2)}.
3. Learned counsel for the applicant submits that as both the parties are married and both are major and there is nothing to connect the applicant with the crime in question because they

have consented for maintaining physical relation, therefore, anticipatory bail may be granted to the applicant.

4. On the other hand, learned State counsel opposes the anticipatory bail application.
5. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.
6. Looking to the fact and circumstances of the case, without further commenting on the merit of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.

The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not leave India without the previous permission of the Court.
- (iv) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (v) that in case of change of address he will inform new address to investigating agency.

Sd/-
(Ram Prasanna Sharma)
Judge