

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1861 of 2019

Mohammad Junaid Khan S/o. Shri Jahid Mohammad Aged About 23 Years R/o. Village- Bade Temari, P.S.- Basna, District- Mahasamund, Chhattisgarh. Present R/o. Village Katagi, P.S.- Kasdol, District- Balodabajar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Kasdol, District- Balodabajar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate. Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

11/02/2020

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. 799/2019, registered at Police Station: Kasdol, District: Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 376 of IPC.
2. In this case the age of the prosecutrix is about 20 years. As per the prosecution story, on 27.10.2019 the prosecutrix made a report alleging therein that she was in a love relationship with the Applicant for about 2 years. Allegations against the present Applicant is that the present Applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and when the prosecutrix asked to marry her he refused. On the basis of said background, 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 no

case under Section 376 of IPC can be made out because the prosecutrix is a major lady aged about 20 years and virtually there was a love relationship between the prosecutrix and the Applicant. 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 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 counsel for the parties and particularly considering that prosecutrix was a consenting party and also 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