

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1884 of 2019

Neelam Kumar Bhardawaj S/o Ramphal Aged About 28 Years Caste - Satnami,
R/o Village Achanakpur, Police Station And Tahsil Balouda, District - Janjgir
Champa, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through - Police Station Balouda, District - Janjgir
Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. FS Khare, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

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. 214/2019, registered at Police Station Balouda, Distt. Janjgir-Champa Chhattisgarh for the offence punishable under Sections 376 & 506-B of the IPC.
2. In this case, the prosecutrix is a married lady aged about 35 years. As per prosecution story, on 22.10.2019, the prosecutrix lodged a report in concerned police station alleging therein that on 30.06.2019 at about 9 PM when her husband was not in her home, the applicant entered in her home and committed forcible sexual intercourse with her thereafter he threatened her to kill if she discloses the incident to anyone. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the incident has occurred on 30.06.2019 and the FIR has been lodged on 22.10.2019. If the entire case taken as it is, it seems that the prosecutrix was a consenting party in the alleged act. The Counsel further submits that due to pressure given by her husband, a false and fabricated report has been lodged by the prosecutrix against the applicant. The Counsel finally submits that the applicant is a reputed

person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the age of the prosecutrix and delay in lodging the FIR. 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. 20,000/- with one solvent 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 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