

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1918 of 2019**

Navin Tiwari S/o Shri Om Prakash Tiwari, aged about 30 years, R/o Kududand,  
Police Station-Civil Line, Bilaspur, District - Bilaspur Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through S H O, Police Station-Civil Line, Bilaspur  
Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Sunil Otwani, Advocate. |
| For Respondent/State | : Mr. Ajay Kumrani, P.L.      |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**03/03/2020**

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. 688/2019, registered at Police Station: Civil Line, Bilaspur (C.G.) for the offence punishable under Section 376 & 506 of IPC.
2. In this case at the relevant time of recording of FIR, the age of the prosecutrix is about 21 years. As per the prosecution story, on 17.10.2019 prosecutrix made a complaint alleging therein that initially on 10.01.2019 the present Applicant committed forcible sexual intercourse with her and thereafter on various occasions again and again the present Applicant committed sexual intercourse on the pretext of marriage with the prosecutrix thereafter he refused to marry 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 the incident is of 10.01.2019 and the the FIR has been lodged by the prosecutrix after 09 months i.e. on 17.10.2019. He submits that prosecutrix is a major lady and if the entire case of the prosecution is taken as it is, it seems that prosecutrix is a consenting party of the alleged

act therefore, Prima Facie no case can be made out against the present 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 counsel for the parties and further considering the fact that prosecutrix is a major lady and there was delay of 09 months 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. 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**