

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1931 of 2019**

- Talendra Kumar Chandrakar S/o Khileshwar Prasad Chandrakar Aged About 30 Years R/o Village Riva Gahan Post Bateral Police Station Ranitarai Tahsil Patan District - Durg Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station Patan, District Durg Chhattisgarh.

**---- Respondent**

---

|                      |                               |
|----------------------|-------------------------------|
| For Applicant        | : Shri Saleem Kazi, Advocate. |
| For Respondent/State | : Shri Shubham Verma, P.L.    |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****07/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 201/2019 registered at Police Station Patan, District – Durg, (C.G.) for the offence punishable under Section 376 of I.P.C.
2. As per the prosecution story, prosecutrix is a married lady aged about 31 years having one child. The marriage of the prosecutrix was solemnized with her husband in the year 2010. She is living separate from her husband since 2012. On 09.11.2019, prosecutrix lodged a report alleging therein that during the period 2015-2018, present applicant on pretext of marriage has been committing sexual intercourse with her on various occasions. On the basis of the said report, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is delay of more than four years in

lodging the F.I.R. Also, if the entire story is taken as it is, it seems that prosecutrix was a consenting party. It is further submitted that applicant himself is a married person and the alleged act committed by the applicant on pretext of marriage is not reliable. Thus, *prima facie*, no case is made out against present applicant. Looking to the above, he may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and the fact that there is delay of about four years in lodging the F.I.R., therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory 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 Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
  - (i) 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 from disclosing such fact to the Court,
  - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
  - (iii) He 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

Prakash