

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1967 of 2019

Ankit Gupta S/o Late Shri Shyam Swaroop Gupta, aged about 30 years R/o Bajarpara, Kondagaon, Post Office And Police Station - Kondagaon, District Kondagaon Chhattisgarh.,

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Kondagaon, District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

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. 271/2019, registered at Police Station: Kondagaon, District:Kondagaon (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 24 years. As per the prosecution story, on 25.10.2019 prosecutrix made a complaint alleging therein that she used to take coaching classes from the present Applicant since 2018 and initially in the month of February, 2019 the present Applicant committed sexual intercourse with her on the pretext of marriage and thereafter during the period of March 2019 to June, 2019 on various occasions the present Applicant again and again committed sexual intercourse on the pretext of marriage and thereafter he refused to marry her. 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 virtually there was a love relationship between the Applicant and the prosecutrix and later on the prosecutrix developed relationship with another person. The Applicant caught the prosecutrix in a compromising position with another person in the month of June, 2019 thereafter they broke-up there relationship and inspite of that

prosecutrix was black mailing the applicant for Rs.10 Lakhs or he would be implicated in rape charges. The applicant had already paid Rs.2 Lakhs to the prosecutrix but she was harassing him for further 08 Lakhs and also defamed the Applicant socially and publicly which compelled the Applicant to commit suicide on 22.10.2019 thereafter to save herself false and fabricated FIR has been lodged on 25.10.2019 by the prosecutrix. 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 particularly considering the fact that the prosecutrix was a consenting party of the alleged act, 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