

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2008 of 2019

Sushant Singh Thakur S/o Hargovind Singh Thakur Aged About 30 Years
Resident Of Ward No. 02 Chhurikala, Police Station And Tahsil- Korba, District-
Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station-
Kotwali, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2020

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. 996/2019, registered at Police Station: Kotwali, District: Raigarh (C.G.) for the offence punishable under Section 376 & 493 of IPC.
2. In this case the age of the prosecutrix is about 29 years. As per the prosecution story, on 19.11.2019, the prosecutrix made a report alleging therein that she met with the Applicant on social messenger namely Facebook, thereafter they developed love relationship. Allegations against the present Applicant is that on 24.08.2019, the present Applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and when the prosecutrix asked to marry her he refused to marry her. 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 29 years. He 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. He lastly submits that the incident is of 24.08.2019 and the the prosecutrix has filed F.I.R on 10.11.2019, 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 there was delay in filing the F.I.R and also considering that prosecutrix was a consenting party, 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