

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2049 of 2019

- Santram Kewat S/o Narshing Kewat, Aged About 27 Years Occupation Govt. Servant , R/o Village Ghaghara, Tah. - Kharsiya, Distt. Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through , Police Chowki Jutemill, Thana - City Kotwali Raigarh, Distt. Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Agrawal, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14/01/2020

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 1002/2019 registered at Police Station City Kotwali, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. As per the prosecution story, age of the prosecutrix is about 22 years. On 20.11.2019 prosecutrix lodged a report alleging therein that since 2017 present applicant has been committing sexual intercourse with her on various occasions on pretext of marriage and, thereafter, applicant refused to marry with her. On the basis of the above 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 was love affairs between applicant and the prosecutrix. Also, prosecutrix is a major girl, aged about 22 years. If the entire case of the prosecution is taken as it is, it seems that prosecutrix is a consenting party. Since, prosecutrix is a major lady and consenting party in the alleged act, therefore, it is prayed that applicant 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 and further considering the facts and circumstances of the case, evidence collected by the prosecution, 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/her 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