

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2061 of 2019**

- Sayyed Anwar S/o Late Mujaffar Hussain Aged About 26 Years R/o West Chirmiri, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Ajak, Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Praveen Tulsyan, Advocate on behalf of Shri Anil Gulati, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.
For Objector	: Shri Rakesh Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****02/03/2020**

1. The Applicant is apprehending his arrest in connection with Crime No. 29/2019 registered at Police Station AJAK, Baikunthpur, District – Koriya, (C.G.) for the offence punishable under Sections 376(2)(a), 323 of Indian Penal Code, Section 4, 6 of POCSO Act and Section 3(2)(5) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, age of the prosecutrix is about 22 years. She belongs to Scheduled Caste Community. On 10.09.2018 she made a report alleging therein that prior to eight years from lodging of the F.I.R., present applicant on the pretext of marriage committed sexual intercourse with her on various occasions. On the basis of the said, offence has been registered against applicant.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some money dispute. He further submits that prosecutrix in her statement recorded under Section 164 of Cr.P.C., did not support the case of the prosecution and stated that due to some money dispute, she lodged the report against applicant. Since, entire story is fabricated, *prima facie*, no case is made out against applicant. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose 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 particularly considering the fact that prosecutrix in her statement recorded under Section 164 of Cr.P.C., did not support the case of the prosecution, 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