

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2103 of 2019

Rajendra Prasad Patel S/o Ram Kumar Patel Aged About 24 Years R/o Village Singhichuwa, Police Station Bhatgaon Tahsil Bilaigarh, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Satya Prakash Verma, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/01/2020

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. 189/2019, registered at Police Station: Bhatgaon, District-Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 506 & 376 of IPC.
2. In this case prosecutrix is a married lady aged about 30 years and she is having one son. The present Applicant is also a married person who is also having one child. As per the prosecution story, on 30.10.2019 prosecutrix made a complaint alleging therein that from 17.09.2018 to 01.01.2019, the Applicant on the pretext of marriage committed sexual intercourse and warned her that if she told to anyone about this he would kill her, when the prosecutrix told her husband about this matter, husband of the prosecutrix had given divorce to her. It is further alleged that Applicant took the prosecutrix to his home and resided with her and after 3-4 months he had expelled the prosecutrix from his house. 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 no

case under Section 376 of IPC can be made out, prosecutrix is a married lady aged about 30 years and the present Applicant is also married therefore, allegations leveled against the Applicant that on the pretext of marriage he had committed sexual intercourse with the prosecutrix is not acceptable. He lastly submits that if the entire case of prosecution is taken as it is, it seems that prosecutrix is a consenting party, 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 the counsel for the parties and further considering the fact that prosecutrix is a married lady therefore, it seems that she 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