

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2081 of 2019**

Vikky Markandey @ Amritdas Markandey S/o Shri Mangturam Markandey, aged about 23 years R/o Kundarapara, Potiya, Ward No. 14 Durg, Police Chowki Padmanabhpur, Police Station Durg Kotwali, Tehsil and District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Officer-In-Charge, Police Chowki Padmanabhpur, Police Station City Kotwali Durg, District Durg, Chhattisgarh (C.G.).

---- Respondent

For Applicant	:	Mr. Anupam Dubey, Advocate
For Respondent	:	Mr. H.S. Ahluwalia, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/05/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 896/2019 registered at police station – Police Chowki Padmanabhpur, Police Station City Kotwali, District Durg (C.G.) for the offence punishable under Section 376 of IPC.
3. The age of the Prosecutrix was about 18 years 2 months at the relevant time. As per the case of the prosecution, the applicant had taken the Prosecutrix to Jagganathpuri in the month of September, 2017 and he made physical relationship with her there. Subsequently, after returning from there, he came to know that the Prosecutrix has

become pregnant. He insisted her for termination of her pregnancy, but the same was refused by the Prosecutrix. Thereafter, the applicant got married the Prosecutrix with one Jaggu. Later on, the Prosecutrix gave birth to a child. It has been alleged that the child belonged to the applicant. Thereafter, in the month of July, 2019, when the Prosecutrix demanded some money from the applicant for treatment of her child, the same was refused by the applicant. Thereafter, the Prosecutrix made a complaint against the applicant and on that basis, offence has been registered against the applicant on 29/09/2019.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He further submits that from the contention of the FIR itself, it is apparent that the Prosecutrix was the consenting party in the alleged act and at the time of registration of the alleged offence, she was a major lady, therefore, prima-facie no offence is proved against the applicant. He further submits that FIR has been lodged after delay of two years and due to some dispute, a false and fabricated report has been made against the applicant
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Looking to the above facts and circumstances of the case, particularly considering that FIR has been lodged after delay of two years, the Prosecutrix was the consenting party in the alleged act and she was a major lady at the time of registration of the offence, therefore, I am inclined to release the applicant on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge