

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2115 of 2019**

Sagar Giri Goswami S/o Mahendra Giri Goswami, Aged about 22 years R/o House No. 30, Sector- 01, Professor Colony, P.S. Purani Basti, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station- Purani Basti Raipur, District Raipur (C.G.).

---- Respondent

For Applicant	:	Ms. Smita Jha, Advocate
For Respondent	:	Mr. H.S. Ahluwalia, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**28/05/2020**

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. 380/2019 registered at police station – Purani Basti, Raipur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
3. In this case the Prosecutrix is a girl aged about 27 years. The age of the applicant is 23 years. As per prosecution story the applicant and the Prosecutrix were in live-in-relation from 06/04/2018 to 19/09/2019. They have resided together in a rented house for the above period. During their relation, the applicant, on the pretext of marriage, made physical relationship with the Prosecutrix on various occasions.

Thereafter, the applicant left the Prosecutrix and moved away. The Prosecutrix made a report in this regard and on that basis offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute. She further submits that virtually there was love relation between the applicant and the Prosecutrix. They have resided together for about 17 months in a rented house. The Prosecutrix is a major girl. She further submits that if the entire case of the prosecution is taken as it is, yet it is apparent that the Prosecutrix was the consenting party, therefore, no offence is made out 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. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering that the Prosecutrix is a major lady aged about 27 years, as per the contents of the FIR itself she lived with the applicant for about 17 months in live-in-relation and when the applicant left her she lodged the report, without further commenting on other merit of the case, 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

Rahul