

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2112 of 2019**

- Vinod Kumar Prajapati S/o Shri Jaishankar Prajapati Aged About 30 Years Caste Kumhar, Occupation Service, R/o Vill Rajapur, Police Station Jainagar, Tahsil Bishrampur, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through The S.H.O., Police Station AJAK, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Shri Neeraj Kumar Mehta, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**19/03/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 27/2019 registered at Police Station AJAK, Ambikapur, District – Surguja, (C.G.) for the offence punishable under Sections 376(2)(N), 313 of I.P.C. and Section 3(2)(V) of the Prevention of Atrocities Act.
2. As per the prosecution story, age of the prosecutrix is about 30 years. On 26.11.2019, she made a report against present applicant wherein it has been alleged that firstly, presently applicant committed sexual intercourse with her on the pretext of marriage in the year 2013. Since then applicant has been committing sexual intercourse with her on various occasions till July, 2019. It is further alleged that during the said period, she got pregnant six times and every time applicant has aborted her. On the basis of the said, 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 if the entire story is taken as it is, it

seems that prosecutrix was the consenting party. Prosecutrix was also a major lady. *Prima facie*, no case under Section 376(2)(N) is made out against applicant. There is also no material available on record on the basis of which it can be said that prosecutrix got pregnant six times and she was aborted by applicant. Therefore, offence under Section 313 of I.P.C. is also not made out. Since, offence under Section 376(2)(N) and Section 313 of I.P.C. is not made out, therefore, offence under Section 3(2)(V) of Prevention of Atrocities Act is also not made out. Looking to the above, 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, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that incident occurred between 2013 to July, 2019 and F.I.R. has been lodged on 26.11.2019, also prosecutrix is a major lady and there is no evidence available on record which shows that prosecutrix got pregnant six times and she was aborted by applicant, 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