

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2130 of 2019

Sidharth Dewangan S/o Deepak Dewangan Aged About 28 Years R/o Maruti Colony Champa, Police Station Champa District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Umakant Singh Chandel, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2020

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. 437/2019, registered at Police Station: City Kotwali, Bilaspur, District: Bilaspur (C.G.) for the offence punishable under Section 376 of IPC.

2. In this case the prosecutrix is a married lady aged about 36 years also having one child aged about 08 years. As per the prosecution story, on 13.09.2018, prosecutrix met with the Applicant at railway station Bilaspur (C.G.) where the Applicant offered her to stay in his rented house because it was night time, then the present Applicant committed sexual intercourse with the prosecutrix. Thereafter, the Applicant offered her for marriage and in between 13.09.2018 to 02.09.2019 he committed sexual intercourse with the prosecutrix number of times and when the prosecutrix asked him to marry her, he refused. On the basis of said background, 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 the incident is of 13.09.2018 and the prosecutrix has lodged the F.I.R on 22.11.2019. He submits that the whole story is concocted because earlier also prosecutrix made a complaint regarding rape against one Mukesh Verma in the year 2016. The name of the husband of the Applicant is Lekram but earlier at one point of time prosecutrix made a report against one Uttam stating therein that she was married wife of said Uttam and on the basis of report made by the prosecutrix, the said Uttam was prosecuted under Section 498-A of IPC and later on he was acquitted from the charges. He further submits that earlier also prosecutrix made a report against one Heera Lal Sahu and mentioned the name of her husband as Rajesh Sahu 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 counsel for the parties and particularly considering that prosecutrix has falsely implicated many persons in the past years, 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