

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2142 of 2019

- Rajdev Kumar Rai S/o Shri Gena Rai Aged About 36 Years Presently R/o Beside Latch J. K. Video Hall, Infront Of Dilbag Dhaba, Sakara, Siltara, Police Station Dharsiva, Raipur Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiva, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Amit Kumar, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/06/2020

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. 488/2019 registered at Police Station Dharsiva, District – Raipur, (C.G.) for the offence punishable under Sections 376, 493 of I.P.C.
2. As per the case of the prosecution, prosecutrix is a married lady having one child aged about eight years. Applicant, herein is also a married person. Applicant and prosecutrix used to live together since 1.3.2010 to 14.10.2019. On 23.09.2019, a written complaint was lodged by the prosecutrix alleging therein that between the period 1.3.2010 to 14.10.2019, applicant on the pretext of marriage committed continuous sexual intercourse with the prosecutrix and

thereafter, refused to marry 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 prosecutrix is a married lady having one child. Prosecutrix resided with the applicant for about 8-9 years with her own consent. He further submits that if the entire case is taken as it is, it seems that prosecutrix was a consenting party. Since, prosecutrix is a major lady and a consenting party, *prima facie*, no case is made out against present applicant. Therefore, it is prayed that applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that prosecutrix is a major lady and a consenting party, 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

Prakash