

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2 of 2020

Neeraj Meghwani S/o Shri Bhagatu Ram Meghwani Aged About 30 Years R/o House No. 22 / 83, Ward No. 14, Bazar Chowk, Bhilai - 3, Charoda, Bhilai, Tahsil Bhilai, District Durg - Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Bhilai - 3, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Ms. Kiran Singh, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/02/2020

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. 522/2019, registered at Police Station Bhilai-3, Distt. Durg (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
2. In this case prosecutrix is a married lady, aged about 34 years. As per prosecution story, brother-in-law of the prosecutrix and the applicant were working together in Public Distribution Society for nearly 5-6 years, due to which, the applicant frequently came to the house of the prosecutrix in order to meet her brother-in-law. Allegedly, on 20.06.2019, at about 1:30 PM, the applicant came to the house of the prosecutrix, finding her alone in her house thereafter he caught hold her hands, committed forcible sexual intercourse with her and afterwards threatened her to not to disclose the incident to anyone. After one week from the date of incident, the applicant again came to the prosecutrix, committed forcible sexual intercourse with her and threatened her that if she disclosed the incident to anyone, he will viral her obscene video which he made earlier. She kept calm due to

fear of insult. On 27.11.2019, when the husband of the prosecutrix asked about the obscene video of her and the applicant which was shown by the friends of husband of the prosecutrix namely Haider Ali and Santosh Verma, then the prosecutrix has revealed about the incidents. Thereafter, a report has been lodged on 29.11.2019 in this regard.

3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that Haider Ali is the close friend of husband of the prosecutrix. There was an old dispute between Haider Ali and the applicant due to which Haider Ali and the Husband made a false and fabricated report against the applicant. The Counsel further submits that the entire story narrated by the prosecutrix is unnatural because if such incident has taken place with the prosecutrix then she should have made a report in Police Station Bhilai-3, which is situated in front of the house of the prosecutrix. The Counsel further submits that the incident occurred on 20.06.2019 and the FIR has been lodged on 29.11.2019. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding ,therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the Counsel appearing for the parties and further considering the fact that the incident occurred on 20.06.2019 and the FIR has been lodged on 29.11.2019. Without further commenting on other merits of the case, I am inclined to 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. 20,000/- 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