

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 18 of 2021**

- Pawan Kumar Yalam S/o Dharmaya Yalam, aged about 27 years, R/o Sankanpalli, Thana Modakpal, District Bijapur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Bijapur, District Bijapur (C.G.)

---- Respondent

For Applicant : Mr. Vikash Shrivastava, Advocate.
For Respondent. : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.147/2020 registered at Police Station - Bijapur, District Bijapur (C.G.) for commission of the offence punishable under Section 376 of Indian Penal Code.
2. The prosecution story, in brief, is that the prosecutrix made a report at police station Bijapur alleging therein that the present applicant is her uncle's son and they have love affair with each other. It is further alleged that between 2019 to 27.10.2020, the applicant committed sexual intercourse with her many times on the pretext of marriage and, thereafter, he refused to marry her. Based on this, offence under Section

376 of IPC has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix is major aged about 22 year and she is the consenting party to the act of the applicant. It is next submitted that the prosecutrix lodged the FIR against the applicant only to harass and to get marry with him. Therefore, the applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. The applicant and complainant both are Government servant and they had been in love affair since 2019.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant and quality of evidence, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned

investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajani Dubey)
Judge