

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 20 of 2021**

- Lalit Patle, son of Shri Vishnu Dayal Patle, aged about 28 years, permanent resident of village Khursipar, P.S. and Tahsil Khairlanji, District Balaghat (M.P.), at present resident of through Sewa yadav, in front of Gayatri Mandir, Mandir Hasaud, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station - Mandir Hasaud, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.
For Respondent. : B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/06/2021**

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.414/2020 registered at Police Station - Mandir Hasaud, District Raipur (C.G.) for commission of the offence punishable under Section 376 (2) (N) of Indian Penal Code.
2. The prosecution story, in brief, is that the prosecutrix made a report at police station Mandir Hasoud, Raipur, alleging in it that the applicant committed sexual intercourse with her on the pretext of marriage and ultimately he refused to marry her. Based on this, offence under Section 376 (2)(N) 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 also submits that the prosecutrix is major and she is the consenting party to the act of the applicant. He further submits that very purpose of filing the complaint has been served as the applicant has performed marriage with the prosecutrix in the Arya Samaj on 24.11.2020 (Annexure P/2). Therefore, the applicant may be granted anticipatory bail.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case and further considering the fact the applicant has performed marriage with the complainant, 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.
6. 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

pkd