

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 32 of 2021**

Abhishek Pandey S/o Parmeshwar Pandey Aged About 28 Years
Occupation Business, R/o Deviganj Road, Sattipara, PS and Tahsil
Ambikapur, Distt. Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Kotwali, Ambikapur, Distt. Surguja, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri H.S. Ahluwalia, Dy. A.G.
For the Complainant	:	Shri Vivek Shrivastava, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.05.2021**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 863 of 2020, registered at Police Station – Kotwali, Ambikapur, District – Surguja, Chhattisgarh for the offences punishable under Sections 376(2)(n) and 506 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is also submitted that the prosecutrix had

been major on the date of incident and both of them had consensual relationship for a long time. Because of some dispute, the prosecutrix has lodged false FIR against the applicant after about six years from the date of first incident. The prosecutrix also has no objection in grant of anticipatory bail to the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the statement of the prosecutrix under Section 161 of the Cr.P.C. and other evidences present against the applicant, he is not entitled for grant of anticipatory bail.

5. Shri Vivek Shrivastava, Advocate for the complainant submits that the prosecutrix has no objection in grant of anticipatory bail to the applicant.

6. Heard counsel for both the parties and perused the case diary.

7. According to the prosecution case, the applicant and the prosecutrix got acquainted in the year 2014 developed a love affair and they lived together for about six years. Later on, the applicant borrowed some money from the prosecutrix on pretext that he has to invest in some business because of which, the dispute arose between them and then he refused to marry the prosecutrix. Subsequent to which, FIR has been lodged against the applicant.

8. Considered the submissions. Looking to the facts and circumstances of the case and also the statement of no objection of the prosecutrix, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the 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 so as to dissuade him 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/-

(Rajendra Chandra Singh Samant)
Vacation Judge