

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 73 of 2021**

- Monu Choudhary S/o Satvir Singh Aged About 27 Years R/o Jagdishpur, Post - Khakhuda, District Bulandshehar (Uttar Pradesh).

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District Balodabazar Bhatapara. Chhattisgarh .

---- Respondent

For Applicant	-	Ms.Supriya Upasane, Advocate.
For Respondent	-	Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**03/03/2021**

1. Heard.
2. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.41/20, registered at Police Station Bhatgaon, District- Balodabazaar-Bhatapara, (C.G.) for offence punishable under Section 375, 506, 34 of the Indian Penal Code.
3. Applicant is the elder brother of Prashant Choudhary who happens to be the co-accused and husband of the prosecutrix.
4. The prosecutrix and Prashant Choudhary married at Arya Samaj temple, Raipur on 28-06-2019. The crux of the allegation attracting

Section 376 of the Indian Penal Code is that during absence of her husband, the present applicant who lives in the same house performed sexual intercourse with the prosecutrix for two consecutive nights.

5. Material available in the case diary also indicates that it was applicant's brother Prashant Choudhary who had forced the prosecutrix that if she desires to live with him, she should be ready to have sexual intercourse with his brother i.e. the present applicant.
6. It appears, the prosecutrix who is the Sister-in-law of the present applicant had sexual intercourse for two consecutive days which was reported by the prosecutrix to her husband on his return from another village. There are allegations of causing abortion, but that part of allegation is against co-accused Prashant Choudhary. It is also seen that prosecutrix had lodged similar report of commission of rape by three different accused persons at different point of time and in all the cases she later on turned hostile and the accused persons were acquitted. This fact is mentioned in the Order dated 28-12-2020 passed by the trial Court while releasing co-accused Prashant Choudhary on regular bail.
7. Learned State counsel would oppose the prayer for grant of anticipatory bail.
8. Considering the entire facts situation of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
9. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/-

(Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- he shall make himself available for interrogation by a police officer as and when required;
- 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 facts to the Court or to any police officer.
- he shall not influence the witnesses during pendency of the trial.

SD/-

(Prashant Kumar Mishra)
Judge

Amardeep