

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 165 of 2021**

- Vijay Kumar Banjare S/o late Sahasram Banjare, aged about 31 years, R/o village Kouwatal, Tah. & P.S. Sarangarh, District Raigarh, Civil and Revenue District Raigarh (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Manoj Kumar Sinha, Advocate.
For Respondent.	:	Mr. G.S. Patel, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****12/04/2021**

Proceeding through video conferencing.

1. In compliance to the Court's order dated 26.03.2021, Ms. Kusum Kaiwarthy, Investigating Officer, is present before this Court through video conferencing.
2. 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.29/2021 registered at Police Station - Sarangarh, District Raigarh (C.G.) for commission of the offence punishable under Section 376 of Indian Penal Code.
3. The prosecution story, in brief, is that on 13.01.2021, the prosecutrix made a report at police station Sarangarh alleging therein that on 24.03.2018 she along with her friend had gone to village Khudubhata to attend the marriage

function, where the applicant had also come. The applicant, citing the reason of crowd in the marriage, took the prosecutrix to his house at village Kouwatal to sleep, and at mid night he committed sexual intercourse with her. Based on this, offence under Section 376 of IPC has been registered against the applicant.

4. 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 incident took place in the year 2018 and the report has been made in the year 2021 i.e. after three years, and no plausible explanation has been offered by the prosecutrix in this regard. He also submits that the prosecutrix is major aged about 28 years and she is the consenting party to the act of the applicant. It is next submitted that the prosecution has not collected any evidence to show the involvement of the applicant in the crime in question. Therefore, the applicant may be granted anticipatory bail.
5. Counsel for the State however opposes the application for anticipatory bail.
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