

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 186 of 2021**

- Dilip Gupta, S/o Late Chiraunji Lal Gupta, Aged About 29 Years, R/o Village Kotmikala, Police Station Pendra, Chauki Kotmi, Tahsil Pendra, District Gaurela- Pendra Marwahi Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Adv.
For Respondent/State	: Mr. B.P. Banjare, Dy. G.A.
For Objector	: Mr. Samir Singh, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.06.2021**

1. Heard.
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. 961/2020 registered at Police Station- Civil Lines, Bilaspur District- Bilaspur (C.G.) for commission of the offence punishable under Sections 376 & 509 of IPC.
3. Case of the prosecution is that, it has been alleged that on the pretext of marriage, the present applicant has been committed sexual intercourse with the prosecutrix since 2018 and later on, he refused to marry with her. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the present

applicant is innocent and has been falsely implicated in this case. He further submits that there is also delay in lodging an FIR and no antecedent registered against the present applicant. He next added that prosecutrix is a major lady, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on anticipatory bail.
6. Learned counsel for the objector opposes the application for anticipatory bail to the applicant by submitting that applicant has continuously committed sexual intercourse with the prosecutrix on the pretext of marriage and the offence committed by him is of serious in nature. Therefore, no case is made out to release him on anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the prosecutrix is a major lady and there is no antecedent registered against the present applicant, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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. 50,000/- with one local 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 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 or 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**

Ruchi