

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 374 of 2021**

- Yogesh Kumar Dewangan S/o Vijay Kumar Dewangan Aged About 37 Years  
R/o Yadav Mohalla Chandrapur Tahsil Dabhra District Janjgir Champa  
Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station Ajak Janjgir District Janjgir  
Champa Chhattisgarh

**---- Respondent**


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For Applicant : Shri B.D. Guru, Advocate

For Respondents/State : Shri Sidhdharth Dubey, Dy. GA

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**Hon'ble Shri Justice Goutam Bhaduri****Order****22/07/2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. not registered yet at Police Station AJAK, Janjgir (C.G.) for the offence punishable under Section 376 of I.P.C. may be registered.
3. As per the prosecution case, initially a report was made by the prosecutrix that the applicant on the pretext of marriage has committed forceful sexual intercourse with her for the last 1 & ½ years. Thereby the offence has been committed.
4. Learned counsel for the applicant would submit that the prosecutrix is a married lady and mother of two children and she was a consenting party and the applicant is also married, therefore, no offence is made out as it would be a consensual relation, therefore, the applicant may be given the benefit of

anticipatory bail.

5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and read out the statement of the prosecutrix.
6. After reading the order passed by the Court below which shows that after 30.01.2021 there was some amicable settlement was arrived at but again a complaint was made, taking into nature of complaint and the background the way it happened it shows that no custodial interrogation would be required, therefore, taking into the totality of the facts, I am inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail 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.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
  - (i) that the applicant shall make himself available for interrogation before the investigation 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/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 them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri  
Judge

Ashu