

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 496 of 2021**

- Naval Kishore Behra S/o Saito Yadav, aged about 28 years, R/o village Khantadand, P.S. Bagicha, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station – Narayanpur, District Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent. : Mr. B.P. Banjare, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/06/2021**

1. Proceeding 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.77/2020 registered at Police Station – Narayanpur, District Jashpur (C.G.) for commission of the offence punishable under Section 376 of Indian Penal Code.
3. The prosecution story, in brief, is that the prosecutrix made a report at police station Narayanpur alleging therein that the applicant committed sexual intercourse with her first time on 06.04.2012 on the false pretext of marriage and continued the same till date. In this regard, on 18.10.2020, a social meeting was also convened in which the applicant denied to perform marriage with the prosecutrix. Based on this, on 24.10.2020, 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 also submits that on 18.10.2020, a social meeting was convened in which the prosecutrix has stated that in the year 2015 the applicant had come to her house, but the father of the prosecutrix expressed his unawareness to this. He further submits that the prosecutrix is major and she is the consenting party to the act of the applicant. Therefore, the applicant may be granted anticipatory bail.
5. Counsel for the State however opposes the application for anticipatory bail.
6. Perusal of the material available in the case would reveal that physical relationship was established in the year 2012 as alleged by the prosecutrix, and after getting job in the year 2013, the applicant never had talk with the prosecutrix. It is also revealed that in a social meeting prosecutrix has stated that in the year 2015 the applicant had come to her house, but the villagers and father of the prosecutrix expressed their unawareness.
7. 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.
8. 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