

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 484 of 2021**

- Shivam Verma, aged about 29 years (wrongly mentioned as 25 years), S/o Mahesh Verma, R/o Shankerpur, Bajrang Chowk, Ward No.19, Rajnandgaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station – Khamtarai, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent.	:	Mr. B.L. Sahu, P.L.
For Objector	:	Mr. Rakesh Pandey, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/06/2021**

Proceeding through video conferencing.

1. 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.33/2021 registered at Police Station – Khamtarai, District Raipur (C.G.) for commission of the offence punishable under Section 376 of Indian Penal Code.
2. The prosecution story, in brief, is that the prosecutrix made a report at police station Khamtarai alleging therein that the applicant had been committing rape with her on the pretext of marriage for last one year and, thereafter, he refused to marry her. Based on this, offence under Section 376 of IPC has been registered against the applicant.

3. 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 there was relationship between the applicant and the prosecutrix, and the prosecutrix used to extort money from the applicant. More than Rs.50,000/- has been extorted from the applicant. The prosecutrix is a minor aged about 24 years and she is the consenting party to the act of the applicant. He next submits that specific complaint was also lodged by the applicant regarding alleged act of the complainant, which was referred to Mahila Thana. In the report of Mahila Thana, it was wrongly recorded that the applicant does not want to prosecute the matter.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Learned counsel for the objector submits that the statement of the applicant read over by the learned counsel for the applicant is not part of the investigation. There is ample evidence on record which shows that the applicant had been committing rape for last one year with the prosecutrix on the pretext of marriage.
6. The applicant and complainant both had been in a relationship for last one year and they had also travelled to Goa.
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