

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 495 /2021**

Ratanlal Barik, S/o. Nirmal Kumar Barik, Aged About 28 Years, R/o. Devbalouda, P.S. Bhilai – 3, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, P.S. Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Priyanshu Gupta with Mr. B.N.Nande,
Advocates

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2021

1. Apprehending arrest in connection with Crime No.27/2021 registered at Police Station- Bhilai Nagar for the offence punishable under Section 376 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was lodged by the prosecutrix on 13.01.2021 that the applicant who was working as Manager and the prosecutrix was working as Performer in the Orchestra in between January 2020 to November 2020 has sexually exploited her; thereby the offence of rape has been committed.
3. Learned counsel for the applicant would submit that the prosecutrix was a performer in the Orchestra and she had availed certain loan from the applicant and thereafter the applicant was subjected to blackmail, as such, the applicant has made a report on 19.12.2020 that in case the amount is not paid, the applicant would be

inculcated in the false case. However, the cognizance was not taken on it by the police and subsequently a report has been made.

It is further contended that the prosecutrix has performed marriage with some other person, which would be evident from the photographs and invitation card, which has been filed. Therefore, the applicant may be enlarged on anticipatory bail, as he has been falsely implicated.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Learned State counsel was earlier directed to verify the authenticity of the photographs and invitation card, but till date the report has not been received. He read out the statement of the prosecutrix.
6. Prima facie after going through the photograph and invitation card, since considerable time has passed and verification report has not come, it appears that the prosecutrix has married to some other person. Taking into the nature of allegation and the statement under Section 161 & 164 of Cr.P.C. and further considering the fact that the applicant has also earlier lodged a report against the prosecutrix and thereafter the report has been lodged by the prosecutrix, I am inclined to grant the benefit of anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the 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 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 him by the said Court till disposal of the trial.

Ashok

Sd/-
(Goutam Bhaduri)
Judge