

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 670 of 2021

- Dilip Kumar Lahre S/o Shivrath Lahre, Aged About 32 Years, R/o -Gadamore, P.S. Jaijaipur, District -Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, P.S -Jaijaipur, District -Janjgir Champa, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Ashok Verma, Advocate.
For State	: Mr. Vaibhav Singh, PL.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

16/07/2021

Heard.

1. This is an application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.23/2021 registered at Police Station - Jaijaipur, District -Janjgir Champa, (CG), for commission of offence punishable under Sections 376 & 506 of Indian Penal Code.
2. The prosecution story, in brief, is that in the month of July, 2020, prosecutrix received message from present applicant, on her mobile phone, asking her to make physical relationship with him, otherwise, he will kill her husband. On this, prosecutrix, reached at the place as mentioned in message and then the applicant established physical relation with complainant. Thereafter, it continued on number of occasions in same manner. In the month of February, 2021, message sent by applicant was seen by husband of prosecutrix and thereafter, report was lodged on 05.03.2021, based upon which, instant crime was

registered against the applicant.

3. Learned counsel for the applicant submits that prosecutrix is married lady aged about 40 years having two children, applicant is also married person, having two children and employed in the Police Department. He further submits that if the contents of FIR are taken as it is, then also it is clear that prosecutrix was a consenting party. Instant complaint has been lodged only when, husband of prosecutrix saw message sent by present applicant asking the prosecutrix for making physical relationship with him. He further submits that the house of applicant and the prosecutrix is situated in the same village but at some distance. The allegation levelled against present applicant is absolutely false and frivolous, hence, he may be extended benefit of anticipatory bail under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that in FIR, prosecutrix has levelled specific allegation with regard to commission of alleged offence by applicant under the threat of life of her husband. On putting a specific query to learned State Counsel about the statement of witnesses, he submits that in the case dairy, statement of prosecutrix is not available, but the statements of parents of applicants Shivnath Lahre, father of applicant, Navdha Lahre and Manharan Lahre are available but they are witnesses to the act of husband of complainant/prosecutrix, who used to quarrel with them on the ground that they are hiding applicant.
5. I have heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegations levelled against the applicant and the fact that as per complaint of prosecutrix, she made physical relationship with applicant on number of occasions though stated to be under threat of killing of her

husband, further, the fact that complaint has been lodged only when husband of prosecutrix has seen message of applicant on mobile phone of complainant, without commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the 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.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-