

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 596 of 2021**

- Manish Shukla S/o Shri Shailesh Kumar Shukla Aged About 24 Years, R/o H.No. D-1 Housing Board Colony Balco Nagar, District-Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : P.S. Kabir Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhijeet Sarkar, Adv.
For Respondent/State	:	Mr. B. P. Banjare, Dy. G.A.
For Objector	:	Mr. Vaibhav P. Shukla, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/06/2021**

Heard.

Admit.

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. 59/2021 registered at Police Station- Kabir Nagar, District- Raipur (C.G.) for commission of the offence punishable under Sections 376 and 506 of IPC.
2. Prosecution case is that, prosecutrix lodged a report that the applicant forcibly made physical relation with the prosecutrix, took her obscene video, photos and the applicant took her to the temple and took seven rounds by applying vermilion in her head and said that now both became husband-wife after that applicant said that he will talk to his parents for marriage, then they will marriage in the *Arya Samaj*, after that both started living as husband-wife. Thereafter, the applicant went to Korba saying that his maternal grandfather's health was bad and then blocked the prosecutrix mobile number. In this way, the applicant made physical relations with the victim on the pretext of marriage.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case.

He further submits that the applicant acquainted with prosecutrix through *Instagram*, after that prosecutrix insisted to live with her and threatened to the applicant to implicated in false case, therefore, the applicant lived with the prosecutrix and the prosecutrix is a 25 years major lady and was a consenting party, therefore, the present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State however opposes the application for anticipatory bail.
5. Learned counsel for the objector opposes the bail application and submits that applicant made obscene video and photos of the prosecutrix and threatened her to get viral, on pretext of marriage applicant committed physical relations with her, therefore the applicant may not be enlarged on anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular nature of case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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 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 or 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**