

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 628 of 2021**

- Yum Kumar Rathiya S/o- Ramayan Rathiya Aged About 23 Years R/o - Barra, Tehsil - Kharsiya, District - Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through Arakshi Kendra, Chaal, District- Raigarh (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Amit Sharma & Mr. Krishna Tandon, Adv.
For Respondent/State	: Mr. B. P. Banjare, Dy. G.A.
For Objector	: Mr. Ashutosh Mishra, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.06.2021**

1. Proceeding through video conferencing.
2. Heard.
3. Admit.
4. 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. 83/2021 registered at Police Station- Arakshi Kendra- Chaal District- Raigarh (C.G.) for commission of the offence punishable under Sections 376 & 506 of the IPC.
5. As per the prosecution case, the allegation against the present applicant is that he has committed sexual intercourse with the prosecutrix on the pretext of marriage.
6. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further added in his submission that prosecutrix is a major lady aged about 23 years, there was love affairs between them and it was known by all the family members of both the parties and when applicant along with his parents had gone to

her house for the marriage proposal, prosecutrix filed an FIR against the applicant narrating false story. Furthermore, there is delay of about 2 years in filing the FIR. Referring to Annexure A/2, counsel for the applicant would argue that she stated on her affidavit of social meeting that she is ready to comply the decision of social meeting and is also ready to settle the dispute but after some time, she lodged a false FIR. Thus, counsel for the applicant pleaded for anticipatory bail of the applicant by this Court.

7. On the other hand, counsel for the State as well as counsel for the Objector opposes the application for anticipatory bail.
8. After hearing counsel for the parties and considering the facts and circumstances of the 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.
9. 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**