

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 736 of 2021**

- Kishore Kumar Wankhede S/o Shri Ishwar Das Wankhede, Aged About 40 Years R/o. Atal Bihari Bajpai Ward No. 38 Dharampura No. 01 Jagdalpur Tahsil Jagdalpur District Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Bandaji, District Bastar Chhattisgarh

---- Respondent

For Applicant	: Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey**Order On Board By Virtual Hearing****30/06/2021**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No. 08/2021 registered at Police Station Bandaji, district Bastar (CG) for the offence punishable under Section 376 IPC.

Case of the prosecution in brief is that report has been lodged by the prosecutrix alleging that the applicant developed physical relations with her on the pretext of marriage. It is the case of prosecution that now the applicant has refused to marry her.

Contention of the counsel for the applicant is that the applicant has been falsely implicated in the present case. He submits that the prosecutrix is major and a consenting party. He submits that there was a delay in lodging the FIR and there is no explanation for the same and in the present circumstances of the pandemic Covid-19, the investigation will take time and therefore he may be granted bail.

On the other hand, learned counsel for the State opposes the bail application.

Having heard counsel for the parties and considering the totality of the facts, in particular, the nature of allegation against the applicant, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the 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 on his executing a personal bond in sum of Rs. 25,000/- with one surety 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

suguna