

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 780 of 2021**

Jagdish @ Monu Yadav S/o Late Latel Yadav, Aged About 35 Years,
Caste Yadav, R/o Ward No. 07, Shivrinarayan, Police Station-
Shivrinarayan, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station-
Shivrinarayan, District- Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Malay Shrivastava, Advocate
For Non-applicant/State : Shri B.L. Sahu, P.L.
For Complainant : Shri Sanjay Patel, Advocate with complainant

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****28.07.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.152 of 2021, registered at Police Station Shivrinarayan, District Janjgir-Champa (C.G.), for offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution in brief, is that, applicant on the pretext of marriage has making physical relationship with the prosecutrix since 10.03.2013 and refused to marry on 11.04.2021, thereafter, she lodged complaint before concerned Police Station, based upon which, instant crime is registered against the present applicant.

3. Shri Malay Shrivastava, learned counsel for the applicant submits that complainant/prosecutrix is aged about 30 years on date and was major on the date of alleged incident in the year 2013. He submits that relationship was with consent and the false allegation has been levelled against the present applicant. He pointed out that the complainant/prosecutrix has also executed an affidavit before the notary, which has been filed before learned Court below, wherein it is specifically mentioned that complainant entered into the settlement with the applicant, hence he may be enlarged on anticipatory bail.
4. Per contra, Shri B.L. Sahu, P.L. for the State vehemently opposes the bail application and read over the contents of First Information Report and the statement of the prosecutrix in support of his submission.
5. Shri Sanjay Patel, learned counsel for the complainant submits that he is appearing on behalf of complainant and complainant is also present in person. He further submits that complainant has executed an affidavit before the Session Court. The impugned order was passed stating that there is settlement between the applicant and complainant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations and statement made by compliant herself, who is present before this Court by virtual mode along with counsel, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

8. Accordingly, 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 anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge