

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.879 of 2021

- Sunil Sharma, son of Late Triyogi Prasad Sharma, aged about 47 years, resident of Deendayal Colony Mangla, PS Civil Line, District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Koni, Civil and Revenue District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Nitansh Kumar Jaiswal, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

24/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.110/2021 registered at Police Station Koni, Bilaspur (CG) for commission of offence punishable under Section 376 of IPC.
2. Case of the prosecution, in brief, is that on 26.11.2019 applicant forcibly developed physical relationship with prosecutrix/complainant on the pretext of marrying her, which continued till 6.5.2021. When prosecutrix asked the applicant to marry her, he refused saying that he is not serious and only passing time with her. Hence, the prosecutrix/complainant lodged written report based on which FIR is registered against applicant.
3. Mr. Nitansh Kumar Jaiswal, learned counsel for applicant submits that physical relationship between applicant and prosecutrix was consensual; applicant was ready to continue relationship and even he has performed marriage with prosecutrix in a temple. However, it is the prosecutrix/complainant who refused to live in company of applicant. Hence, the applicant may be enlarged on anticipatory bail.

4. Mr. Roshan Dubey, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that there is specific allegation against applicant that on the pretext of marriage, he established physical relation with prosecutrix and when she asked him to marry her, he refused. Prima facie offence is made out against applicant, hence he is not entitled to be enlarged on anticipatory bail. On being asked, learned State Counsel read over written complaint and submitted that marriage of complainant was solemnized in the year 2018, but there was separation between prosecutrix and her husband in the year 2019. Thereafter prosecutrix, who is a registered legal practitioner, came into contact of applicant in connection with some court work. Initially applicant forcibly made sexual intercourse with prosecutrix and thereafter it continued and when some time before lodging of complaint, the prosecutrix asked applicant to marry her, he refused.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations; the facts mentioned in written complaint; age of prosecutrix and applicant, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.
7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with 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 Arresting Officer. Applicant shall also abide by following conditions:
 - (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;

- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-