

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 963 of 2021**

Virendra Kumar Mehar S/o Shankar Prasad Mehar, Aged About 35 Years, Occupation- Government Servant, R/o Village- Bhagwanpur, PS- Gandhinagar, Tahsil- Ambikapur, District- Surguja, Chhattisgarh (wrongly mentioned as Birendra in order sheet of Court below).

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station- Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh.

---- Non-applicant

For Applicant : Shri B.D. Guru, Advocate

For Non-applicant/State : Shri Sudhir Sahu, Panel Lawyer

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**18.08.2021**

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.43 of 2021, registered at Police Station Mahila Thana Ambikapur, District Surguja (C.G.), for offence punishable under Sections 376(2)(n), 506 of Indian Penal Code.
2. Case of the prosecution in brief, is that, prosecutrix lodged a written report on 14.07.2021 making allegation that on 13.08.2018, applicant came to her house and committed forceful sexual intercourse with her. Thereafter, complainant was detained in another house for three days and there also, applicant has committed forceful sexual intercourse with her, stated her not to

disclose the incident, as later on, he will marry with her. Further allegation is that since 2018, applicant is making continuous physical relationship with the prosecutrix on pretext of marriage, upon which, she conceived and thereafter, pregnancy was aborted and now, applicant is denying to marry her. Based on the written complaint, First Information Report was registered against present applicant.

3. Shri B.D. Guru, learned counsel for the applicant would submit that the allegation levelled against the present applicant is absolutely false and baseless. The complainant is aged about 24 years and even on the date of first incident as alleged, she was major girl, aged about 21 years. He further submits that from the alleged period of making physical relationship with prosecutrix by the applicant would show that complainant herself was a consenting party. She involved in making physical relationship with her own will knowing pros and cons of the relationship. The complaint is lodged only to grab money from the applicant, who is a Government Servant and working as Rural Agricultural Extension Officer. In support of his contention, he referred to some text messages placed on record along with application. He read over some of the text messages and submits that these messages are from the same mobile number, which is given by complainant to Police. There is clear demand of money and threatening of false implication. He pointed out that there is inordinate delay in lodging of First Information Report. He submits that applicant is a Government Servant, there is no chance of his

absconding, he will co-operate with the investigation and keep himself present as and when his personal presence is required.

4. Per contra, Shri Sudhir Sahu, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for applicant, read over the contents of the First Information Report and would submit that as per allegation, applicant made forceful intercourse with complainant on 13.08.2008 and thereafter, given false assurance of marriage with her. However, he admits in the complaint, there is mentioned that physical relationship between prosecutrix and applicant continued for long. On query, he also submits that mobile number of complainant is mentioned in First Information Report.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, documents filed along with application, period from which applicant made physical relationship with prosecutrix as alleged in the complaint, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. 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