

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1020 of 2021**

- Balkaran Singh Thakur, S/o Shankar Singh Thakur, aged about 49 years, R/o Village Farhda, PS Bhatapara (Gramin), District Balodabazar- Bhatapara (CG)

---- Applicant**Versus**

- State of Chhattisgarh Through Police of P.S. Bhatapara (Gramin), District Balodabazar Bhatapara (CG)

---- Non-applicant

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****13/9/2021**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.276/2021 registered at Police Station Bhatapara (Gramin), District Balodabazar-Bhatapara (CG) for commission of offence punishable under Sections 376, 354(D), 509, 506, 294 of the Indian Penal Code.
2. Case of the prosecution story, in brief, is that the prosecutrix, a married woman aged about 38 years, lodged complaint in concerned police station making allegation against applicant that on 3.5.2020 he called her to work in his uncle's house; when she reached there applicant misbehaved with her, put vermilion on her head and thereafter committed forcible sexual intercourse with her. Thereafter, on many occasions, applicant made physical relation with prosecutrix claiming that he has purchased her from her father-in-law for Rs.50,000/-. Applicant also used to give threat to prosecutrix saying that he is having recorded video of putting vermilion on her head and if she would disclose incident to anyone, he will make viral said video to her relatives. Based on this report, crime in question is registered against applicant.

3. Mr. Shailendra Dubey, learned counsel representing applicant would submit that there is previous enmity between families of applicant and prosecutrix. To resolve dispute, the complainant herself along with others had executed a document in the shape of 'consent letter' before the Notary on 16.7.2018 in which there is mention that there are some disputes between families of complainant and applicant and they have lodged report and counter report against each other. This itself shows that there is previous dispute between the parties, hence possibility of false implication of applicant cannot be ruled out. He submits that prosecutrix is a married woman aged about 38 years, as per allegation, first instance of forcible sexual intercourse with her was committed by applicant on 3.5.2020, but the prosecutrix, who is residing with her family members, did not disclose the same to her in-laws or lodge any report of that incident. Allegations levelled against applicant are false and baseless, hence he may be enlarged on anticipatory bail.
4. On the other hand, Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that in FIR serious allegations have been levelled against applicant of making forcible sexual intercourse with prosecutrix and giving threat to her of making viral recorded video of putting vermilion on her head on 3.5.2020. He submits that when the applicant had shown video of prosecutrix to her relatives, she lodged report against him. He submits that as many as seven criminal cases are registered against applicant, out of which, six are related to preventive proceedings and one is under Section 452 & 323 of IPC. Hence, applicant is not entitled to be released on anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against applicant; period of incident i.e. from 3.5.2020 to 5.3.2021; the fact that prosecutrix is 38 years old married

woman residing with her family in her matrimonial home, without commenting anything on merits of case, I am inclined to enlarge applicant on anticipatory bail.

7. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is allowed. 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/- (Rupees Twenty Five Thousand) with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the 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 the facts of the case so as to dissuade him / her from disclosing such facts to the 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 and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-