

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1025 of 2021**

Mukesh Sethiya S/o Shivram Yalam, Aged About 28 Years,
R/o Village Balpat Police Station Dantewada, District-
Dantewada, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Geedam District-
Dantewada, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Vikash A. Shrivastava, Advocate
For Non-applicant/State : Ms. Anjali Singh Chouhan, Panel Lawyer
For Complainant/objector : Mr. Vikash Pandey, Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**03.09.2021**

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.71 of 2021, registered at Police Station Geedam District Dantewada (C.G.), for offence punishable under Sections 342, 366, 376, 506/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, report was lodged on 12.07.2021 by the prosecutrix stating therein that when she was walking in front of his house, applicant came on motorcycle along with her friends snatched her mobile, to which, she followed to some distance. Applicant stopped after going for some distance and when she was asking for her mobile, applicant along with

others forcefully made the prosecutrix ride on motorcycle and took her to village Balpet in house of applicant where applicant committed forceful intercourse with her thrice in night and on the next day morning, applicant came to her house. Applicant has also threatened her not to tell the incident to anyone, therefore, complaint was lodged with some delay. Based on the complaint, instant crime was registered against the applicant.

3. Mr. Vikash A. Shrivastava, learned counsel for the applicant would submit that applicant and prosecutrix were in love affair since 2018 and prosecutrix with her on will, came to the house of applicant. He further submits that applicant has not committed any offence as alleged against him. It is contended that prosecutrix has lodged complaint only under the pressure of her parents, which she has stated in her affidavit executed before the Notari on 25.08.2021 at Geedam, District Dantewada, hence, present applicant may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that prosecutrix in the complaint and her statement under Section 161 of Cr.P.C. has made serious allegations against the applicant, hence, he is not entitled for grant of anticipatory bail.
5. Mr. Vikash Pandey, learned counsel for complainant/objector submits that prosecutrix is present in person in his office along with her Uncle and she has shown her *Aadhaar Card* with respect to her identity and stated that she has executed affidavit with her

own will at Geedam, District Dantewada. She also stated that she is having love affair with the applicant.

6. On the last date of hearing, considering the affidavit executed before the Notari filed in this proceeding, learned State counsel was directed to verify the position, but learned counsel for State submits that inadvertently affidavit could not be verified.
7. I have heard learned counsel for the parties.
8. Taking into consideration entire facts and circumstances of the case, nature of allegations, submission made by learned counsel for complainant before this Court, age of prosecutrix, I am inclined to release the present applicant on anticipatory bail.
9. 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

Yogesh