

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1322 of 2020

Sandeep Kumar S/o Jagannath, Aged About 25 Years Caste Kurmi, R/o Block Coloney Konta, Police Station And Tahsil Konta, District Sukma, Chhattisgarh., District : Sukma, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Kanker, District Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri Praveen Dhurandhar, Advocate
For State	:	Shri Mateen Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/02/2021

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 216/2020, registered at Police Station -Kanker, District- Kanker (C.G.) for the offence punishable under Sections 376, 366 IPC.
2. Case of the prosecution, in brief, is that the applicant, on false pretext of marriage, kept the prosecutrix with him at different places and committed sexual intercourse which amounts to rape.
3. Learned counsel for the applicant would argue that the present is a case of false implication. The applicant and the prosecutrix were known to each other since November 2019, which culminated in marriage between the parties and they started residing at Visakhapatnam and the prosecutrix also

became pregnant out of the marital relationship, but later on, a dispute arose as she was entangled with another person and left the applicant. The applicant lodged report in the police station on 22.7.2020 that his wife has left, but the police did not proceed further in the matter stating that it is a matter between husband and wife. Only as a counter blast, report has now been lodged against the applicant on 31.7.2020 making false and fabricated allegation. Therefore, it is prayed, the applicant may be protected by giving him benefit of anticipatory bail.

4. On the other hand, learned counsel for the State opposed the application by submitting that a prima facie case is made out because of the emphatic allegation made against the applicant in the FIR as also in the case diary statement and under Section 164 Cr.P.C. that the applicant kept on cheating the prosecutrix for long time since March 2019 and giving her false pretext of marriage, kept on sexually exploiting her. Therefore, consent, if any, was obtained on false pretext of marriage and cannot be said to be free consent.
5. On prima facie consideration, in the present case FIR has been lodged by the prosecutrix in which she herself stated that she and the applicant had entered into love affair since November 2019 and she states that she had gone along with the applicant to Visakhapatnam where they were residing together. She has also stated that later on, she became pregnant. The FIR has been lodged on 31.7.2020 i.e. after about 8 months of relationship with the intervention of prosecutrix becoming pregnant. The prosecutrix is about 25 years of age. Further, the FIR lodged by the prosecutrix is subsequent to report dated 22.7.2020 lodged by the applicant alleging that his wife has left the house. The applicant claims that the prosecutrix is his legally wedded wife.
6. Taking into consideration the aforesaid circumstances and material, present is a fit case for grant of anticipatory bail. Accordingly, this 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 bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting

officer and he shall abide by all the following terms and conditions: -

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) the applicant 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;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen