

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1442 of 2020**

- Khagendra Kumar Sahu, S/o Shri Gorelal Sahu, Aged About 25 Years, R/o Ward No. 09 Tusma, Police Station Shivrinarayan, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kharsia, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashutosh Trivedi, Adv.
For Respondent/State	: Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.03.2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 294/2019 registered at Police Station- Kharsia, District Raigarh (C.G.) for commission of the offence punishable under Section 376 of IPC.
2. Case of the prosecution is that, it has been alleged that on 23.05.2019, prosecutrix went to the house of the applicant when his wife was not present and on that day, applicant had committed rape with the prosecutrix. Based on this, offence was registered against the present applicant.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that the prosecutrix is a major lady and the FIR has been lodged against the applicant after the expiration of about 40 days which creates suspicion over the case of prosecution, therefore, the present applicant may be granted anticipatory bail.
4. On the other hand, counsel for the State however opposes the

application for anticipatory bail.

5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the prosecutrix is a major lady, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
- (i) that the applicant shall make himself available for interrogation before the concerned investigating officer as and when required.
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**