

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1102 of 2021**

- Krishna Kumar Dhruve S/o Bhupendra Dhruve Aged About 28 Years R/o Village Litya Police Station Kota, Tehsil Kota, Distt. Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh
---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. - Chuikhadan, Distt. Rajnandgaon (Chhattisgarh), District : Rajnandgaon, Chhattisgarh
---- **Respondent**

For Applicant	: Shri Awadh Tripathi, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**14.09.2021**

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 157 of 2021 registered at Police Station Chuikhadan, District- Rajnandgaon, Chhattisgarh for commission of offenses punishable under Sections 376 and 376(2)(n) of IPC.
2. Case of the prosecution, in brief, is that, prosecutrix lodged a written complaint on 21.06.2021 mentioning therein that she came in contact with applicant through Facebook in the year 2018. Thereafter, applicant established physical relationship with her on the pretext of marriage. Applicant continuously established physical relationship with prosecutrix till 10.05.2021 but refused to marry her. It is further alleged that on the instructions of applicant, complainant transferred money to different persons through mobile phone, total of which comes to Rs.18,500/-. Based on written complaint of prosecutrix, aforementioned crime has been registered against applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Awadh Tripathi, learned counsel for the applicant would submit that allegations levelled against the applicant are absolutely false and frivolous. He submits that applicant is working in Police Department, he came in contact with complainant through Facebook chat, and went to her house on her request. During this process, prosecutrix has taken some photographs of applicant on her mobile phone. He further submits that prosecutrix is a married lady, aged about 35 years but in her written complaint, she projected herself to be 'unmarried'. He submits that father-in-law of prosecutrix executed an Affidavit dated 25.08.2021, wherein it is mentioned that prosecutrix was married to his son, namely, Uttam Kumar Thakur, r/o village Sahaspur, Police Station-Devkar, District -Bemetara. She resided in her matrimonial home for a short time and thereafter, started living separately. Learned counsel further submits that considering age of prosecutrix, her marital status, period of alleged physical relationship with applicant, offence under Section 376 against applicant would not be made out, hence, applicant be enlarged on anticipatory bail.

5. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant came into contact with prosecutrix through Facebook, he visited her house, established physical relationship on the pretext of marriage. Hence, applicant is not entitled for anticipatory bail. Further, he submits that in the statement of prosecutrix recorded under Section 164 of CrPC, prosecutrix has clarified her status to the applicant that she was married earlier and was separated from her husband, upon which applicant has accepted her.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant, age of prosecutrix ie 35 years, her status to be a married woman, period of physical relationship between applicant and prosecutrix alleged, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the 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 concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) That 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/her from disclosing such facts to the Court or to any Police Officer;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE