

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1095 of 2021

Rajat Sen, S/o Shri Shantanu Sen, Aged About 25 Years, R/o Subhash Chowk Birgaon, Urla, Tahsil and District -Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - The Station House Officer, Police Station -Khamtarai, District -Raipur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate.
For State	: Mr. Roshan Dubey, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

13/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.479//2021 registered at Police Station – Khamtarai, District -Raipur, (CG), for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that prosecutrix/complainant and applicant came in contact through Social Media. On 18.10.2020, prosecutrix for her official work came to New Raipur, at about 10:30 pm she called applicant and went along-with him in his Car to Raipur. Applicant took her to his residential accommodation and stayed together in night where applicant committed forceful intercourse with prosecutrix twice on the pretext of marriage. Thereafter, prosecutrix intimated the incident to parents of applicant, but applicant subsequently refused to marry her. Based upon written complaint, FIR was registered against applicant.
3. Learned counsel for the applicant submits that applicant and prosecutrix came in contact through Social Media thereafter, parents of applicant visited house of prosecutrix for their marriage, but it could not be materialized because prosecutrix is elder than applicant. He further submits that on 18.10.2020, it is prosecutrix who called applicant to pick up her at New Raipur. Applicant to extend help went to New Raipur and brought her to Raipur on borrowed Car.

Prosecutrix said to him that he may make available some accommodation for her stay in night. Upon which, applicant took her to place of his residence where he was residing alone due to his service in private sector. Prosecutrix herself made an attempt to come in physical contact with applicant to which applicant has refused and on the next day prosecutrix went away. Thereafter, prosecutrix made false allegation against applicant and false story was narrated to parents of applicant. She started pressurizing applicant to perform marriage with her, she threatened him that if he will not perform marriage with her, she will implicate him in false case. Looking to the continuous threat by prosecutrix, applicant has lodged a report before the Superintendent of Police, Raipur on 25.11.2020 narrating all the incident as took place on 18.10.20. On 31.07.21, applicant filed a civil suit before Court of competent Jurisdiction for permanent injunction. Upon which, notice was issued to prosecutrix, she made her appearance through her Counsel on 10.08.2021, thereafter, she lodged alleged report only with ulterior motive and on advised given to her from other persons. Applicant is graduate in engineering and working with Private Sector. Hence, he may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that written complaint is lodged by prosecutrix making allegation of committing forcible intercourse twice in intervening night of 18.10.20 to 19.10.20. Prosecutrix had informed the alleged incident to parents of applicant and thereafter waiting for marriage. However, he admits that written complaint is lodged only on 10.08.21.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that prosecutrix when came to New Raipur for her official work called applicant and said to him to make arrangement of her stay in night at Raipur, FIR was lodged only on 10.08.21 when prosecutrix appeared before the Civil Court, prosecutrix is aged about 26 years and employed in

Government department, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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;
- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-