

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1116 of 2021**

Shubham Rao Chauhan, S/o Lt. Shri Narayan Rao Chauhan,
Aged about 27 years, R/o Adinath Tower, New Rajendra
Nagar, Raipur Distt. Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh through Police Station, Mana Champ,
District Raipur (C.G.).

---- Non-applicant

For Applicant : Shri Pragalbha Sharma, Advocate

For Non-applicant/State : Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****15.09.2021**

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.140 of 2021, registered at Police Station Mana Champ, District Raipur (C.G.), for offence punishable under Sections 376, 506 and 323 of Indian Penal Code.
2. Case of the prosecution in brief, is that, prosecutrix is working with private sector in the business of real estate. During the course of her work, she came into contact with applicant and thereafter, developed friendly relationship between them. On 08.06.2020, applicant took prosecutrix on his car to Naya Raipur, where he purchased liquor and snacks and took her behind Jenam Manas

building. They consumed liquor and thereafter, applicant made forceful intercourse with her. When prosecutrix wanted to lodge report against him, applicant stated that he will perform marriage with her. Applicant thereafter established physical relationship with her on number of occasions on the pretext of marriage and kept her as his wife. When complainant pressurized the applicant to perform marriage, he stated that he will perform marriage after marriage of his sister, but thereafter he refused. She was also assaulted. Written report was lodged on 05.08.2021. Based on the written report, aforementioned crime was registered against the applicant.

3. Shri Pragalbha Sharma, learned counsel for the applicant would submit that prosecutrix has lodged false and frivolous report against the applicant and allegation is baseless. He further submits that applicant extended hand loan to her on different occasions through Net Banking, copies of transaction has been filed along with bail application. When applicant asked for return of money, then prosecutrix has lodged false complaint against him. He contended that prosecutrix is major working lady, aged about 26 years and allegations are false and frivolous, hence, present applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Sudhir Sahu, learned Panel Lawyer for the State opposing the submissions made by learned counsel for the applicant, would submit that in First Information Report and the statement of prosecutrix, allegations are very specific that applicant on 08.06.2020 took prosecutrix to Naya Raipur and

committed forceful sexual intercourse with her. He further submits that prosecutrix want to lodged report immediately, but applicant has convinced her that he will perform marriage with her, hence, applicant is not entitled for the benefit of anticipatory bail.

5. However, upon putting specific query with regard to further allegation against the applicant, he submits that in statement and complaint, it is mentioned that after 08.06.2020, applicant has established physical relationship with complainant on many occasions. Age of prosecutrix is 26 years, as mentioned in First Information Report.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, relationship between complainant and applicant, the fact that prosecutrix is a major working lady, aged about 26 years, without commenting on merits of the case, I am inclined to release the present applicant on anticipatory bail.
8. 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