

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1104 of 2021**

- Anup Mandal, aged about 26 years, S/o Paritosh Mandal, resident of Aadkachepdapara, Kondagaon, Dist. Kondagaon (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through the Police Station Kondagaon, District Kondagaon (CG)

---- Non-applicant

For Applicant	:	Mr. Raza Ali, Advocate.
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****14/9/2021**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.255/2021 registered at Police Station Kondagaon, District Kondagaon (CG) for commission of offence punishable under Section 376 (2) (n) of IPC.
2. Case of the prosecution, in brief, is that the prosecutrix lodged written complaint in concerned police station on 20.7.2021 mentioning that on false pretext of marriage, applicant had established physical relationship with her between March, 2019 & April, 2021 and when she asked him to marry her, he refused. Based on this complaint, FIR is registered against applicant.
3. Mr. Raza Ali, learned counsel for applicant would submit that applicant and prosecutrix are major. Complainant is employed in United India Insurance Company and posted in Kondagaon, whereas applicant is working as Sub-Station Operator in CSPDCL, Kondagaon. Prosecutrix had made consensual physical relations with applicant. Applicant has not committed any offence as alleged against him, hence, applicant may be enlarged on anticipatory bail.
4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes

the submissions made by learned counsel for applicant and submits that complainant in written complaint has made specific allegation that physical relations made by applicant were on the pretext of marriage, hence applicant has committed the offence as alleged against him.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against applicant; the fact that applicant and prosecutrix are major and working; as per allegation physical relations between applicant and prosecutrix continued for about three years, without commenting anything on merits of case, I am inclined to enlarge applicant on anticipatory bail.
7. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant in connection with 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 Arresting Officer. Applicant shall also abide by the following conditions :
 - (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him /her from disclosing such facts to the Court or to any police officer;
 - (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-