

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1115 of 2021**

Amit Kumar Sahu S/o Kishan Lal Sahu Aged About 24 Years
R/o Ward No. 11, Tikrapara Pangaon Police Station Paamgarh
District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Paamgarh
District Janjgir Champa Chhattisgarh.

---- Non-applicant

For Applicant : Shri Awadh Tripathi, Advocate

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

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****27.09.2021**

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.369 of 2021, registered at Police Station Paamgarh, District Janjgir Champa (C.G.), for offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution in brief, is that, prosecutrix lodged a written report to concerned Police Station on 24.08.2021 stating therein that she came in contact with applicant through Facebook in March 2019 and thereafter, they were continuously in touch on Facebook. In the month of June, applicant called her to meet. When they met, he stated that he wanted to marry her and committed forceful intercourse with her. Thereafter, applicant established physical relationship with her on number of occasions

on the pretext of marriage till 31.07.2021. When prosecutrix pressurized the applicant for performing marriage, he refused. Based on written report, aforementioned crime is registered against the applicant.

3. Shri Awadh Tripathi, learned counsel for the applicant would submit that prosecutrix is a major girl, aged about 24 years. She is Post Graduate and doing private job at Bilaspur. He further submits that applicant has not committed any offence as alleged against him and if there was any physical relationship between applicant and prosecutrix would be consensual relationship. It is contended that applicant is a young boy, aged about 24 years, working in State Armed Force and posted at Narayanpur. It is further contended that in the facts of the case, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Sudhir Sahu, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that in written report, specific allegation of making forceful intercourse with prosecutrix on the pretext of marriage is levelled, hence, applicant is not entitled for benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, age of prosecutrix, she being a Post Graduate doing private job at Bilaspur, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

7. 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