

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1185 of 2021**

Kameshwar Singh S/o Shri Premsay Singh Aged About 54 Years R/o Village Sohaga, P.S. Darima, District Sarguja Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through Station House Officer, (S.H.O.), Mahila Thana, Ambikapur, District Sarguja Chhattisgarh.

**---- Non-applicant**

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 For Applicant : Shri Devershi Thakur, Advocate  
 For Non-applicant/State : Shri B.L. Sahu, Panel Lawyer  
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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**

**01.10.2021**

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.36 of 2020, registered at Police Station Mahila Thana, Ambikapur, District Sarguja (C.G.), for offence punishable under Sections 376(2)(n), 506 of Indian Penal Code.
2. Case of the prosecution in brief, is that, prosecutrix was having love affair with son of applicant, by name, Pushpendra Singh since 2016. They developed physical relationship, due to which, prosecutrix became pregnant. On 14.10.2020, report was lodged to concerned Police Station stating that she was having love affair with Pushpendra Singh (son of applicant), they wanted to marry, but parents of Pushpendra Singh were causing interruption in marriage and not permitting them to marry on the ground that she

belonged to lower caste. It was further mentioned that due to continuous physical relationship between prosecutrix and Pushpendra Singh, she is carrying pregnancy. When applicant got knowledge of pregnancy, he advised the prosecutrix to terminate the pregnancy. Based on aforementioned report, instant crime was registered against present applicant, Pushpendra Singh and Ashish Singh (cousin of Pushpendra Singh).

3. Shri Devershi Thakur, learned counsel for the applicant would submit that there is no allegation of commission of offence under Section 376(2)(n) of IPC against present applicant. Present applicant being father of Pushpendra Singh as per allegation has objected the marriage between his son Pushpendra Singh and prosecutrix. He further submits that Pushpendra Singh later on got married with prosecutrix on 02.12.2020 and marriage was registered. Marriage certificate is placed on record as Annexure A/3. After marriage, prosecutrix and Pushpendra Singh were blessed with a girl child on 24.02.2021. birth certificate of girl child is placed on record as Annexure A/4 wherein name of father has been mentioned as Pushpendra Singh. It is contended that looking to allegation levelled against applicant in First Information Report, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri B.L. Sahu, learned Panel Lawyer representing the State opposes the submissions made by learned counsel for the applicant. However, he do not dispute the submission that allegation of commission of rape is against Pushpendra Singh only and not against present applicant.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, documents placed on record and further submission made by learned counsel for the State, 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**