

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1636 of 2020**

- Abhishek Thakur, aged about 41 years, son of late Chandraprakash Thakur, resident of F-10A, Shrikunj Shriram Nagar Phase-1, Shankar Nagar, Raipiur, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station - Ganj, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Respondent.	:	Ms. Ishwari Gritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.200/2020 registered at Police Station - Ganj, District Raipur (C.G.) for commission of the offence punishable under Section 376 (2) (n) of Indian Penal Code.
2. The prosecution story, in brief, is that on 01.11.2020, the prosecutrix made a report at police station Ganj, Raipur, alleging in it that in between 18.06.2017 to 20.09.2020, the applicant committed sexual intercourse with her on the pretext of marriage and ultimately he refused to marry her. Based on this, offence under Section 376 (2)(n) of IPC has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is posted as Manager, Central Bank of India, Mowa Branch, Raipur where the prosecutrix used to come as she was holding account in the same bank. The applicant, looking to poor financial condition, provided her loan and, thereafter, she used to send whatsapp messages to the applicant and pressurized him for financial assistance. Learned counsel also submits that the prosecutrix not only a major lady but also a married woman and she is a consenting party to the act of the applicant. He also submits that the maintenance proceeding (M.J.C. No.47/2019) of complainant/prosecutrix is pending before JMFC, Raipur, wherein she has arrived at compromise and decided to live separately. Therefore, the applicant may be granted anticipatory bail.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned

arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge