

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1750 of 2020**

- Dilharan Mathur S/o Gokul Prasad Mathur Aged About 27 Years R/o Village Pachbahra, Police Station Takhatpur, Tehsil Takhatpur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

- The State of Chhattisgarh Through The Police Station Civil Lines, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.K. Prasad, Advocate.
For Respondent.	:	Mr. Samir Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.04.2021**

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. 843/2020 registered at Police Station - Civil Line, District Bilaspur (C.G.) for commission of the offence punishable under Section 376 of Indian Penal Code.
2. As per the case of prosecution, the allegation against the present applicant is that he has committed sexual intercourse with the prosecutrix on the pretext of marriage.
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 a major lady aged about 23 years and she was also a consenting party, therefore, no case is made out against the applicant.

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, 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