

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1774 of 2020**

- Ayan Khan, S/o Habib Khan, Aged About 32 Years, R/o Naiva Bangla, Hathras, Police Station Kotwali, Hathras, District Hathras (U.P.).

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station Manendragarh, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Adv.
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.
For Objector	: Mr. Ishan Verma, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.06.2021**

1. The matter is heard through video conferencing.
2. Prosecutrix is also present today before the Court. On being asked she has made her objection regarding grant of anticipatory bail to the applicant.
3. 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. 329/2020 registered at Police Station- Manendragarh, District Koriya (C.G.) for commission of the offence punishable under Sections 376, 507, 420 of IPC.
4. Case of the prosecution is that, it has been alleged that present applicant committed sexual intercourse with the prosecutrix and also obtained a sum of Rs. 36,000/-, some ornaments and cash amounting to Rs. 51,000/-. Based on this, offence was registered against the present applicant.
5. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that prosecutrix is a major lady and *prima facie*,

no case is made out against the present applicant, therefore, the present applicant may be granted anticipatory bail.

6. On the other hand, counsel for the State however opposes the application for anticipatory bail.
7. Learned counsel for the objector opposes the application for anticipatory bail to the applicant by submitting that on the pretext of marriage, applicant has been committed rape with the prosecutrix since 2019 on several times. He next added that present applicant has obtained certain amount of money from the prosecutrix and he also did not co-operate the investigation process. Therefore, no case is made out to release him on anticipatory bail.
8. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the prosecutrix is a major lady, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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. 50,000/- with one local 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 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 or 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**