

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 36 of 2021**

- Naval Suryavanshi, S/o Late Itwari Suryavanshi, Aged About 52 Years, R/o Village Chhindaula, P.S. Gariyaband, District Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through:- Station In-charge, P.S. City Kotwali, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Adv.
For Respondent/State	: Mr. Vimlesh Bajpayi, G.A.
For Objector	: Mr. A.D. Kuldeep, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.06.2021**

1. Heard.
2. 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. 248/2020 registered at Police Station- City Kotwali, District Gariyaband (C.G.) for commission of the offence punishable under Sections 376(2), 294, 324, 34 of IPC.
3. Case of the prosecution is that, it has been alleged that on the pretext of marriage, co-accused Harish Suryavanshi committed rape with the prosecutrix as a result of which she became pregnant. Thereafter, present applicant has miscarried the pregnancy of prosecutrix and also promised her that his son would marry her after the elections but applicant's son never married her. Based on this, offence

was registered against the present applicant.

4. 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, therefore, the present applicant may be granted anticipatory bail.
5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that the offence committed by the applicant is of serious in nature, therefore, no case is made out to release him on anticipatory bail.
6. Learned counsel for the objector opposes the application for anticipatory bail to the applicant by submitting that there are specific allegations against the applicant. Therefore, no case is made out to release him on anticipatory bail.
7. 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. 25,000/- 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**

Ruchi