

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 824 of 2020

Bharat Dewangan S/o Late Shri Krishna Dewangan, Aged About 40 Years R/o
Urla, Police Station Abhanpur, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Respondent/State	: Mr. Sameer Oraon, G.A.
For Objector	: Mr. Sanjay Mishra, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/10/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 136/2020, registered at Police Station Abhanpur, Distt. Raipur (C.G.) for the offence punishable under Sections 376 & 506 of the IPC.
3. In this case, the prosecutrix is a widow lady aged about 35 years and having two children. Her husband was died on 2013 thereafter she got compassionate appointment on 18.03.2020. A written complaint has been lodged by the prosecutrix against the applicant alleging therein that in the year 2016, she met with the applicant, the applicant introduced himself as unmarried and on the pretext of marriage, he had been committing sexual intercourse with the prosecutrix till 14.04.2019. Later, when the prosecutrix came to know that the applicant was already married, the applicant started threatening the prosecutrix for life. On the basis of said written complaint, offence has been registered against the applicant.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually, the applicant had already given divorce to her first wife. The prosecutrix was a widow lady, she was a consenting party and by the consent of the prosecutrix, physical relationship has been developed between them. Later on they both have performed marriage in temple, and resided together for some days and due to some dispute between them, the prosecutrix lodged a report against the applicant. The Counsel further submits that they both are still in a relationship and now the prosecutrix has no objection if the anticipatory bail may be granted to the applicant. The Counsel lastly submits that since the prosecutrix was a major lady, therefore, prima facie no case can be made out against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. Learned Counsel appearing on behalf of the objector supported the arguments advanced by learned Counsel for the applicant and submits that the prosecutrix and the applicant are residing together and the prosecutrix has no objection if the anticipatory bail may be granted to the applicant.
7. I have heard learned Counsel for the parties and perused the material available.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the prosecutrix and the applicant are residing together and now the prosecutrix has no objection on granting anticipatory bail to the applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant 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/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge