

Anil Kumar Patel Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Jan. 14, 2022

Acts Referred: Code Of Criminal Procedure, 1973 " Section 438
Indian Penal Code, 1860 " Section 376, 417

Hon'ble Judges: N.K. Chandravanshi, J

Bench: Single Bench

Advocate: Kaushal Yadav, Astha Shukla

Final Decision: Allowed

Judgement

1. Heard.

2. The applicant has preferred this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he apprehends his arrest in

connection with Crime No.110/2021, registered at Police Station Chandrapur, District: Janjgir-Champa, Chhattisgarh for the offence punishable under

Sections 376 & 417 of the Indian Penal Code.

3. Facts of the case, in brief, is that in 2013 and thereafter also, the applicant and victim/prosecutrix were working in the Gayatri Sanskar Vidyalaya,

Amaldihi, Janjgir-Champa, where they developed love affair. In the year 2018, the applicant went to the house of the victim/prosecutrix and on the

pretext of marriage, he made physical relation with her. Applicant was having physical relationship with the victim/prosecutrix till April, 2021, even,

she got pregnant by the applicant. But the applicant used to force her for miscarriage. Later on, the applicant instead of getting married with the

victim/prosecutrix, he got married with some other girl. Hence, Victim/prosecutrix lodged the present First Information Report (F.I.R.) against the

applicant on 23rd September, 2021 under Section 376 of the Indian Penal Code (in short ' the I.P.C. ') in P.S. " Chandrapur, District: Janjgir-

Champa(C.G.). During investigation, offence under Section 417 of the I.P.C. was later added.

4. Learned counsel for the applicant submits that the applicant has not committed alleged rape with the victim/prosecutrix. He further submits that

victim/prosecutrix is a major lady aged about 33 years. It is a case of consent. Since applicant got married in July, 2021, therefore, due to grudge,

prosecutrix filed the present F.I.R. He also submits that this is the first crime registered against the applicant and he is a permanent resident of

District: Janjgir-Champa (C.G.). He is ready to abide all the conditions imposed by the Court. Hence, the present anticipatory bail application filed by

the applicant may be allowed.

5. On the other hand, learned counsel appearing for the State, controverted the submissions made by the counsel for the applicant submitting that it is a

case of rape and even victim/prosecutrix got pregnant from the applicant, but later on, he refused to marry with the victim/prosecutrix. Thus, the

applicant used her by deceiving on the pretext of marriage and when she got pregnant, then applicant pressurized her to get aborted. Therefore,

looking to the facts of the case, anticipatory bail application filed by the applicant is liable to be dismissed. However, she further submits that, as per

case diary, no criminal antecedent has been shown against the applicant.

6. I have heard learned counsel for both the parties, perused the case diary and material available on record.

7. Considering the facts and circumstances of the case, nature and gravity of the offence, particularly taking into consideration that victim/prosecutrix

is adult lady aged about 33 years and applicant is younger than her, also taking into consideration that she was in relation with the applicant for more

than three years and when applicant got married, thereafter she lodged the present F.I.R. against the applicant and also for the fact that as per case

diary, there is no criminal antecedent against the applicant, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on

anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like sum to

the satisfaction of the arresting officer with the following conditions:-

(i) that he shall make himself available for interrogation before the Investigating Officer as and when required;

(ii) that he 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 from disclosing such facts to the Court or to any police officer.

(iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.