



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 737 of 2023

- Palash Chandel S/o Narayan Chandel Aged About 30 Years R/o Behind Railway Station Chowk, Naila, Police Chowki - Naila, Thana- Janjgir, District : Janjgir-Champa, Chhattisgarh --- **Appellant.**

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir-Champa, Chhattisgarh (Concerned Police Station- Police Thana- Janjgir). --- **Respondent.**

(Cause title downloaded from CIS Periphery)

For Appellants	:	Mr. B. P. Sharma with Mr. Hari Agrawal, Adv.
For Respondent/State	:	Mr. Avinash K. Mishra, GA.
For Objector	:	Mr. Ashok Gadheval, Adv.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

08.05.2023

The accused/appellant has filed this appeal under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the “**SC/ST Act**”) for grant of **anticipatory bail** in connection with Crime No.72/2023 registered at Police Station Janjgir, Janjgir Champa for the offence punishable under Sections 376, 376 (2) (n) & 313 of IPC and Sections 3 (2) (va) of the SC/ST Act.

2. Prosecution, in brief, is that the prosecutrix who is married lady aged 38 years lodged an FIR against the appellant on 19.01.2023 alleging that on the pretext of marriage the appellant sexually exploited her several times between 06.01.2019 to 06.07.2022 and thereafter refused to marry her as she belongs to tribal community.

3. Learned counsel for the appellant submits that appellant is innocent and falsely implicated in the crime in question. He further

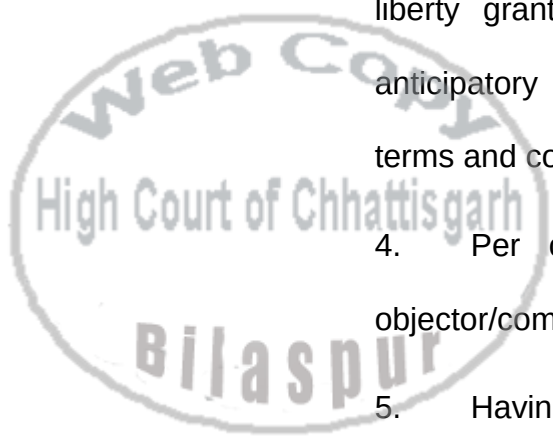


submits that prosecutrix had not taken legal divorce from her husband and from the face of FIR and evidence available on record it explicit that relationship between appellant and prosecutrix was consensual in nature and they were in relationship for long period. Learned counsel places reliance in the matter of **Ansaar Mohammad Vs. State of Rajasthan & anr** reported in **2022 (4) CGLJ 253 (SC)** in which it has been observed that complainant had willingly been staying with the appellant, and now if the relationship is not working out, the same cannot be ground for lodging of FIR for the offence under Section 376 (2) (n). He further submits that on 04.04.2023 the appellant was granted interim protection by this Court and he has not misused the liberty granted to him. Therefore, the appellant be released on anticipatory bail. He also submits that the appellant would abide all terms and conditions imposed on him while granting anticipatory bail.

4. Per contra, learned State counsel and counsel for the objector/complainant vehemently opposes the prayer for bail.

5. Having considered the submission of learned counsel for the parties, considering the facts and circumstances of the case, further considering that relationship between the prosecutrix and appellant continued for long period thereafter dispute occurred and FIR was lodged, further considering the case relied upon by counsel for the appellant in the matter Ansar Mohammad (Supra), without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the appellant.

6. Accordingly, the appeal is **allowed** and it is directed that in the event of arrest of the appellant, 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 arresting Officer, he shall be released on bail on the





following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required,
- (b) 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 fact to the Court or to any police officer,
- (c) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (d) he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (e) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

Ajay

