

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 1268 of 2015

Dinesh Chaurasiya, S/o. Ramchandra Chaurasiya, aged bout 24 Years, R/o of Village -Sector-11, Street No.6, Puliya Ke Pass, Zone No.1, Khursipar, Bhilai, P.S. Bhilai, Civil and Revenue District Durg (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station – Chawni, Revenue and Civil District Durg (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Punit Ruparel, Advocate.
For Respondent/State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 671/2015, registered at Police Station – Chawni, Revenue and Civil District – Durg (C.G.) for offence punishable under Sections 376 of IPC.

2. As per the prosecution case, in brief, the applicant sexually exploited the prosecutrix on the allurement of the marriage and she was subjected for sexually exploitation in between Dashehra and Diwali 2015. Subsequently, a report was made against this application on 31.10.2015.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that prior to earlier, two FIR's were made against the applicant and his father and they were given threat to implicate in the false case. He further relies on the Annexure A/2 and A/3 and submits that the complainant herself in fact had

some debt to be paid in lieu of goods which she consumed from the shop of the applicant and when the applicant asked to pay the amount for which she made a false report against him; therefore, he may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail and submits that the statement recorded under section 161 and 164 of Cr.P.C. wherein the specific allegation of sexual exploitation has been made therefore, the applicant should not be given the benefit of anticipatory bail.

5. I have gone through the case diary. Perusal of the case diary and the statement recorded under section 161 and 164 of Cr.P.C., wherein the specific allegation is made against the applicant, therefore, I am not inclined to extend the benefit of section 438 of Cr.P.C. to the applicant as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required, therefore, I am not inclined to allow the application for grant of anticipatory bail.

6. Accordingly, the anticipatory bail application is dismissed

Sd/-
(Goutam Bhaduri)
JUDGE