

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1045 /2015

Krishna Kumar Rathore, S/o. Mahadev Rathore, Aged About 25 Years,
Occupation Agriculturist, R/o. Sigansara, Police Station & Tehsil Sakti,
Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Janjgir, District Janjgir-
Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K.Pandey, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.83/2015 registered at Police Station- Sakti, District Janjgir-Champa (C.G.) for the offence punishable under Section 376 & 506 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the prosecutrix, aged about 24 years, lodged a report on 31.03.2015 alleging that the applicant had developed relation with her for the period of time on the promise to marry and committed sexual intercourse so many times and thereafter refused to marry with her.
3. Learned counsel for the applicant submits that the prosecutrix itself was a consenting party and she was major and therefore the offence of rape cannot be made out. Therefore, he may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that the complainant was sexually exploited and the consent was obtained on the basis of false assurance and therefore the matter has to be investigated and after the girl had attained pregnancy, the report was made.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the nature of allegation made by the complainant and further considering the case diary and statement of the prosecutrix under Section 164, it is not a fit case to grant anticipatory bail to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge