

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1114 of 2015

Jayant Kumar Sahu S/o Rameshwar Prasad Sahu Aged About 21
Years R/o Behind Of Mousam Vibhag, Baharatarai Road, Bilaspur,
P.S. Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P.S.
Sarkanda, Distt. Bilaspur, Chhattisgarh.

---- Respondent

For applicant – Shri Goutam Khetrapal, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.471/2015 registered at Police Station Sarkanda, District Bilaspur (C.G.) for offence punishable under Section 363, 366 & 376 of IPC and Section 4 of Protection to Children for Sexual Offences Act, 2012.
2. As per the prosecution case a report was made by brother of the prosecutrix that his sister is missing since 28/09/2015 and subsequently it was found that the applicant enticed the prosecutrix and took her away and thereafter she was recovered. Subsequently, after recovery of the prosecutrix, enquiry is being made and is under investigation.
3. Learned counsel for the applicant submits that prosecutrix was in love affair with the applicant and of her own she went along with the applicant to different places and stayed, therefore case against the applicant is not made out. Therefore, applicant may be granted anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have gone through the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C.

6. Having regard to the statement made under Section 161 and 164 of Cr.P.C wherein prosecutrix has stated that applicant has committed sexual intercourse despite her resistance. Taking into fact and statement made under Section 164 of Cr.P.C, I am not inclined to extend benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE