

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1105 /2015

Veer Bahadur Singh Rajput @ Bunt Rajput, S/o. Late Prashann Rajput, Aged About 32 Years, R/o. Thakurpara, Antagarh, Tahsil & District Antagarh, District Kanker Chhattisgarh, Civil & Revenue District Kanker, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Antagarh, District Kanker, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sandeep Shrivastava, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector	:	Mr. Akhilesh Kumar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/11/2015

1. Apprehending arrest in connection with Crime No.52/2015 registered at Police Station- Antagarh, District Kanker (C.G.) for the offence punishable under Section 376 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, in brief, on the pretext of marriage with the complainant, the applicant has developed physical relationship with her and out of their relationship, a female child has born, but after the birth of child, the applicant has refused to accept the complainant and her daughter and thereby the complainant was sexually exploited on the pretext of marriage.
3. Learned counsel for the applicant submits that the complainant is a deserved lady and she came in relation with the applicant with her consent and nothing like nature performance of marriage ever transpired in between them. He further submits that the

complainant wanted some amount from the applicant and when it was refused, the false allegations have been made; therefore, the applicant may be granted the benefit of anticipatory bail.

4. Per contra, the learned State counsel and the counsel for the Objector opposes the prayer for grant of anticipatory bail and it is submitted that on the pretext of marriage and false assurance, the complainant/prosecutrix was sexually exploited thereafter the applicant refused to perform marriage and fled away.
5. I have heard learned counsel for the parties and perused the case diary.
6. I have gone through the statement of the complainant/victim recorded under Section 161 wherein she categorically stated that on the pretext of marriage and extending a false assurance, the applicant has committed sexual intercourse with her and on every occasion on the pretext of marriage sexual exploitation was made. Taking into the statement of the complainant/ victim and the fact that the matter is still under investigation, I am not inclined 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