

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1122 of 2015

Loknath S/o Kishor Chandrakar Aged About 25 Years R/o Village Kathautiya, P.S. Dadhi, Tahsil, Civil & Rev. Distt. Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Dadhi, Civil & Rev. Distt. Bemetara, Chhattisgarh.

---- Respondent

For applicants – Shri V.A. Goverdhan, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.96 of 2015, registered at Police Station Dadhi, Civil & Revenue District Bemetara (C.G.) for offence punishable under Section 376, 452, 506-B of IPC.
2. According to the case of prosecution applicant committed forceful rape on the prosecutrix on 19th August, 2014 and thereafter when she went along with her daughter to school he further committed forceful sexual intercourse on the pretext that if he is not allowed to perform sexual act her name shall be tarnished in the village. Thereafter, repeated acts were made and ultimately report was made on 4/10/2015.
3. Learned counsel for the applicant submits that previous enmity is existing between the family members of the applicant and the prosecutrix, subsequently on 3/10/2015 report was made to the SP and immediately

after next day said false and fabricated report is made and therefore he submits that he has been falsely implicated in the case and he may be released on bail.

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

5. I have gone through the case diary which contains statement of the prosecutrix wherein categorical statement has been made that she was subjected to sexual intercourse many a times against her will. Taking into account statement of the prosecutrix, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE