

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1028 of 2015

Manish Kumar Khakha S/o Parshuram Khakha Aged About 26 Years
R/o Kapursingh Dafai, Chota Bazar, Chirmiri, Thana Chirmiri, Distt.
Koriya (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chirmiri, District Koriya
(Chhattisgarh).

---- Respondent

For applicant – Shri Parag Kotecha, Advocate.
For Respondent/State – Shri Ashok Swarnkar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/10/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.277/15, registered at Police Station Chirmiri, Distt. Koriya for offence punishable under Section 376, 377 of the Indian Penal Code.
2. As per the prosecution case, applicant has committed sexual intercourse with the prosecutrix since last one year and also committed unnatural intercourse.
3. Learned counsel for the applicant submits that prosecutrix is in habit of making complaint and on earlier occasion too she had made complaint to whom she married subsequently. Learned counsel submits that since false acquisition is made, the applicant may be enlarged on

anticipatory bail as no further custodial interrogation may be necessary.

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

5. Having regard to the statement of the prosecutrix at this stage veracity of the same cannot be looked into taking into allegation of rape and unnatural intercourse. Therefore considering the document and the case diary, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE