

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 201 of 2016

Avinash Murab S/o Shri Shiv Prasad Murab Aged About 41 Years
R/o Beside Bajrang Hotel, Police Station Sirgitti, Civil & Revenue
District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sirgitti, District
Bilaspur, Chhattisgarh.

---- Respondent

For applicant – Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 298/2015 registered at Police Station Sirgitti, Bilaspur (C.G.) for offence punishable under Sections 363, 365, 366, 506 & 376 of Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case a report was made by the prosecutrix that her younger sister was admitted to the hospital because of the burn injuries. Name of the hospital was Shishu Bhavan. Subsequently, her sister died and after that the applicant came to the house of the prosecutrix, whereafter she went along with the applicant. She was given certain food, thereafter she lost her conscious and she was sexually exploited. Subsequently, similar incident was carried out 10-11 times and ultimately a report has been made.

3. Learned counsel for the applicant refers to a FIR filed as Annexure A-4 wherein it was stated that on 29/09/2015 a report of abduction was

made against the other persons and wherein it is stated that at that time she sought help from the applicant and she was given the help. Consequently, it would reveal that reading with the present FIR that FIR it is lodged before six months prior to 29/09/2015 she was subjected to sexual intercourse. He further submits that reading FIR along with the earlier FIR by the prosecutrix would show that applicant has been falsely implicated in this case. He submits that after the death of sister of the prosecutrix a case was filed against doctor and other persons writ petition before the High Court and during such long transitory period nothing has been reported against this applicant. He submits that under the facts of this case, applicant has been falsely implicated in this case and therefore he may be granted benefit of anticipatory bail.

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

5. I have perused the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. wherein certain explanation also been given in respect of the report which the applicant stated that on 29/09/2015 certain other report was made. Taking into statement of the prosecutrix, she appears to be minor. Prima facie at this stage it cannot be stated that such statement are completely false. In view of this, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

