

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRCA No. 1293 of 2015

- Anil Kumar Paradhi S/o Shyamlal Paradhi Aged About 22 Years R/o Village Daldali, Police Chowki Giroudhpuri, P.S. Gidhouri, Distt. Baloda Bazar, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Chowki Giroudhpuri, P.S. Gidhouri, Distt. Baloda Bazar, Chhattisgarh.

---- **Respondent**

07.01.2016	Mr. S. K. Guha, counsel for the applicant. Mr. Arvind Shukla, Panel Lawyer, for the State. Apprehending arrest in connection with Crime No.152/2015 registered by Police Chowki Giroudhpuri, P.S. Gidhouri, Distt. Baloda Bazar for the offences punishable u/ss 363, 366, 306 & 376 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure. As per the prosecution case, the applicant allured the deceased girl who was a minor and on 09.2.2015 he took her away on the promise to marry her and thereafter committed forcible sexual intercourse. Subsequently when the applicant refused to marry, the girl committed suicide. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case	

Rao	and the victim was major on the date of accident and the report was made on 13.3.2015 I.e., after the girl committed suicide, consequently, the case of rape cannot be made out. Per contra, learned State Counsel opposes the bail application. Perused the case diary and the statement of the mother of deceased. After perusal of the case diary, I am of the opinion that it is not a case where the benefit of section 438 Cr.P.C., can be granted to this applicant. Consequently this bail application is dismissed. Sd/- GOUTAM BHADURI JUDGE	
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