

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1322 of 2015

- Harjeet Singh S/o Jagdish Singh Aged About 29 Years R/o Sai Nagar
Urla, P.S. Pulgoan, Tah. Durg, Civil & Rev. Distt. Durg, Chhattisgarh.
--- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Pulgoan,
Distt. Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr Shrawan Agrawal, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.02.2016

1. Apprehending arrest in connection with Crime No. 583 of 2015 registered at Police Station Pulgaon, Civil & Revenue District Durg (C.G) for the offences punishable under Section 376 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, the applicant on the pretext of marriage committed sexual intercourse with prosecutrix on 8th & 9th November 2015 and thereafter when it was known that the applicant was already married, the report was filed.
3. Learned counsel for the applicant submits that the applicant and prosecutrix were known to each other and as the dispute arose between the prosecutrix and applicant the report was made on 11.11.2015 wherein nothing was disclosed against the applicant, however, on 14.11.2015, the allegation of rape was clamped. He further submits that in trial Court the prosecutrix has preferred "No Objection" to grant bail to the applicant, therefore, he may be enlarged on anticipatory bail.

4. Per contra learned State Counsel opposes the bail.
5. Perused the statements of prosecutrix u/s 161 & 164 Cr.P.C., wherein it is stated that on the pretext of marriage, sexual intercourse was committed with her and subsequently it was known that the applicant was married.
6. Perusal of the Statement u/s 164 Cr.P.C., also shows that the applicant refused to marry the prosecutrix.
7. Taking into such statements, I am not inclined to release the applicant on anticipatory bail. Accordingly, the bail application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**