

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 575 of 2016

1. St. Willson Xaxa, S/o. Late Mangal Das Xaxa, aged about 23 years, R/o. Village- Kusumtal (Sarhapani), P.S. Kansabel, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : Police Station -Kansabel, District – Jashpur (C.G.)

---- Respondent

For Applicant : Mr. Keshav Dewangan, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. Apprehending arrest in connection with Crime No.90/2016 registered at Police Station - Kansabel, District – Jashpur (C.G.), for offence punishable under Section 376, 452, 323 & 506 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was lodged by victim on 24.04.2016 that the applicant from the year 2008 to 2015 on the pretext of marriage has committed sexual intercourse and when the prosecutrix became pregnant and the applicant was asked to perform marriage, the applicant refused to marry with the prosecutrix. Subsequently, she was forcefully aborted.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. It is further submitted that allegation of sexual exploitation is from 2008 to 2015 and the alleged

termination of pregnancy though was of the year 20015 and report was not made and for the first time, the report was made in the month of April, 2016, therefore, no offence is made out and the prosecutrix was a consenting party to the entire incident. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The case diary also contains the proceeding of the Gram Panchayat and in the meeting of gram panchayat the applicant was also present wherein some dispute arose and the girl was assaulted by the applicant. Considering the back ground of this case and the statement and further considering the totality of the case, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge