

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 556 /2016

Kashameer Bek, S/o. Surendra Bek, Aged About 30 Years, Occupation - Shikchakarmi, Darakharika, Cast – Uraon, R/o. Village - Basntala, P.S. Narayanpur, Distt. Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P.S.- Narayanpur, Distt.- Jashpur, Chhattisgarh

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate.
For Respondent : Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. Apprehending arrest in connection with Crime No.50/2016 registered at Police Station- Narayanpur, District Jashpur (C.G.) for the offence punishable under Section 376 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the prosecutrix/ victim that on the pretext of marriage, the applicant has committed sexual intercourse with her, therefore, she became pregnant and the applicant subsequently refused to marry and from the initial day, the applicant has exploited the victim; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the prosecutrix is a major lady more than 30 years of age and the applicant is younger and the alleged offence is of 2015 and she was a consenting party, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the prosecutrix/victim under Section 161 & 164 of Cr.P.C., wherein positive statement has been given. Considering such statement of the prosecutrix, I am not inclined to release the applicant on anticipatory bail.
6. Accordingly, the instant bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge