

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 757 of 2016

- Vinod Kumar S/o Motilal Belvansh Aged About 25 Years R/o - Village - Maadi-Sarai, P.S. - Janakpur, Tehsil - Bharatpur, District - Koriya Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Janakpur, District - Koriya Chhattisgarh – **- Respondent**

For the applicant : Mr. Anish Tiwari, Advocate.
For the Respondent : Mr. Neeraj Sharma, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 64 of 2016 registered at P.S. Janakpur, Distt. Koriya (C.G) for the offence punishable u/ss 376 (2) of IPC.
2. As per the prosecution case, a report was made by the prosecutrix that the marriage of the applicant was fixed with the prosecutrix and on that basis, physical relations were developed between the prosecutrix and applicant and the prosecutrix was physically exploited. Subsequently when the complainant asked for marriage the applicant refused her and wanted to marry another girl, therefore, the offence is committed.
3. Learned counsel for the applicant submits that there is no misconception of fact and the prosecutrix was major and she of her own allowed the applicant to have physical relations, therefore, it cannot be stated that on the false pretext of marriage, physical relations were developed and she was

physically exploited and consequently no offence is made out u/s 376 IPC. He prays for releasing the applicant on anticipatory bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement and report of the prosecutrix wherein it was stated that after the marriage was fixed with the applicant, the prosecutrix was physically exploited and eventually the applicant refused to marry her. Considering such statement, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**