

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 766 /2016

Jaspal Singh @ Jashan, S/o. Raspal Singh, Aged About 19 Years, R/o. C.H. 194, Heerapur, Veer Sawanrkar Nagar, Tahsil Raipur, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Kabir Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.45/2016 registered at Police Station- Kabir Nagar, District Raipur (C.G.) for the offence punishable under Section 376(D), 342 of the Indian Penal Code and Section 4, 6 of Prevention of Children from Sexual Offence Act, 2012, 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 victim that on 27.05.2016 when he went to her neighbour to give a tiffin box, she was asked to come in side the house to put the tiffin box inside the room and when she entered into the room, the door of the house was closed and thereafter the present applicant and another co-accused Pamma Singh committed forceful sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the applicant and girl was having love affair and because of the family dispute, the false

report has been made; 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 victim, who is aged about 17 years, wherein positive statement has been made and allegations have been attributed to this present applicant, therefore, taking into the same, it is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge