

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1065 of 2015

- Puni Lal S/o Dev Narayan Soni Aged About 25 Years Caste Satnami, R/o Village Tuman, Police Station, Urga, Tahsil Kartala, District Korba Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through District Magistrate Korba, District Korba Chhattisgarh. --- **Respondent**

For the applicants : Dr. N.K. Shukla, Sr. Advocate with
Shri Sushil Dubey, Advocate.

For the Respondent : Mr. Anant Bajpai, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.01.2016

1. Apprehending arrest in connection with Crime No. 242/2015 registered at Police Station Urga, Korba, Distt. Korba Chhattisgarh, for the offence punishable under Section 376(2)(g) IPC the applicant has filed this application u/s 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, a report was lodged by the prosecutrix that on 29.08.2015 when she went to a field to answer the call of nature, the applicant and coaccused committed rape on her.
3. Dr. N.K. Shukla, learned senior counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in this case as prior to this incident, two brothers of prosecutrix have been prosecuted on a report made by the sister of the present applicant and therefore, on such report, offence was registered as Crime No. 102/2014 and the said crime was committed on 09.03.2014. He submits that in order to combat such prosecution, the instant false

report has been made against the applicant. He further submits that the prosecutrix is said to be aged about 45 years and the applicant is aged about 25 years and just to drive the applicant to a corner, this report is made which is completely false. Therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement. Also perused the copy of report filed by the applicant wherein Makhan Baghel and Dauram Baghel were prosecuted on the report of one Smt. Sukanta Manhar who is alleged to be sister of the present applicant. Prima facie it appears that earlier a report was made by the sister of the applicant.
6. Since the consideration for anticipatory bail is different from that of regular bail, I am not inclined to allow this bail petition seeking anticipatory bail. Accordingly, this application is rejected.
7. However, considering the statement/report and the totality of the facts and circumstances of the case, it is observed that in case the applicant surrenders and moves an application for grant of regular bail before the concerned trial Court, in such eventuality, the concerned trial Court shall consider and decide the said application as early as possible preferably on the same day.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**