

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1324 of 2015

Sandeep Sakhkar S/o Pandurang Sakhkar Aged About 29 Years
R/o Kabir Nagar, Raipur, Police Station Kabir Nagar, Civil & Rev.
Distt. Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Of Police Station Kabir
Nagar, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For applicant – Shri Y.C. Sharma, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.125 of 2015, registered at Police Station Kabir Nagar, Raipur, District Raipur (C.G.) for offence punishable under Sections 376 of Indian Penal Code and 3 (1) (xii) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case applicant and the prosecutrix who was nurse in the Dental Hospital were working together and the applicant on the pretext of marriage developed relation and committed sexual intercourse in between the period from 2010 to 2015 and subsequently has refused to marry the girl and started preparing for marriage elsewhere.
3. Learned counsel for the applicant would submit that prosecutrix was a matured lady and she was able to understand her well being and she was elder than the applicant and was a consenting party to the entire relation, therefore the allegation of rape cannot be attributed to the

applicant and false averments have been made against the applicant. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary and the statement. Perusal of the case diary would reveal that applicant on the pretext of marriage has sexually exploited the prosecutrix for a long period from 2010 to 2015 and ultimately has not performed marriage. Prima facie it appears that applicant was not interested to perform marriage from the day one as per statement of the prosecutrix. Therefore, considering the same, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE