

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 999 of 2016

- Rekhchand S/o Balkrishna Banote Aged About 32 Years R/o Railway Colony, Ward No. 6, Police Station Dongargarh, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant : Mr. Sunil Pillai, Advocate.
For the State : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.10.2016

1. Apprehending arrest in connection with Crime No. 174 of 2016 registered at Police Station Ambagarh Chowki, Distt. Rajnandgaon (C.G) for the offences punishable u/ss 376 & 506 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 03.09.2016 a report was made by the prosecutrix who was a divorcee that the applicant developed sexual relations with her with a promise that he will divorce his wife and subsequently he will marry the prosecutrix. Later the prosecutrix came to know that the applicant is already married and he is going to divorce his wife though their relations are good as such she herself abandoned the relations of the applicant and despite that, she was being threatened

and pressurized by the applicant to continue the relations, therefore, she lodged the report against him.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and the prosecutrix is major lady of 31 years and both the applicant and prosecutrix were working together in the office of Chief Executive Officer, Ambagarh. He further submits that the prosecutrix was removed from service, therefore, false allegations have been attributed to him.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary as also the statements of prosecutrix and her husband Bhikam Yadav with whom she was married in the the year 2016.
6. Taking into such facts situation of the case and the conduct of the applicant and further threat was also extended to the prosecutrix and she was being pressurized to continue the relations, I am of the opinion that it is not a case where the applicant can be extended the benefit of Section 438 Cr.P.C. Accordingly, this application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**