

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.59 of 2017**

- P Addision Rao S/o Late Ishwar Rao Aged About 23 Years R/o Ward No.- 17, Purana- Basti Manendragarh , Police- Station- Manendragarh, District- Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police- Station- Gaurella Civil & Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravi Maheshwari, Advocate
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.4.2017**

Heard the matter finally.

2. This application filed under Section 438 of the Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.208/2016 registered at Police Station Gaurela, Civil & Revenue Distt. Bilaspur for offence punishable under Sections 376, 366-A, 120-B read with 34 of Indian Penal Code.

3. Learned counsel for the applicant submits that the Police has filed charge sheet against the main accused Rinku Prajapati showing present applicant as absconding, the matter is pending before Judicial Magistrate First Class, Pendra Road as Criminal Case No.618 of 2016. There is no material against the present applicant in the entire charge sheet, on account of theft committed

by father of the prosecutrix, father of the prosecutrix managed to lodge the false report against the present applicant, hence the applicant may be granted the benefit of anticipatory bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that in the statement of prosecutrix recorded under Section 161 & 164 Cr.P.C. and also the the statement of other witnesses recorded under Section 161 Cr.P.C., the role of the applicant is well shown as he along with main accused entered into the room of the prosecutrix threatened her to accompany with them, thereafter the prosecutrix was taken and subsequently offence was committed.

5. Perused the entire material.

6. On due consideration, looking to the evidence collected against the present applicant and seriousness of the offence, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE