

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 80 of 2017

Praveen Kumar Sahu S/o Amru Sahu, aged about 23 years, by caste Sahu, R/o Village Aacholi, Thana & Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer
For Objector	:	Shri Sunil Sahu, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04/05/2017

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No.24/2017 registered at P.S. Dongargarh, District Rajnandgaon (CG) for the offence punishable under Sections 376 of IPC and Section 3 (1) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Brief fact of the case is that the prosecutrix was subjected to sexual intercourse by the present applicant on the pretext of marriage for a considerable period of time and subsequently, the applicant refused to marry her which forces the prosecutrix to lodge the FIR.

Counsel for the applicant submits that it is a case of consent by the prosecutrix and that she being a major lady, the offence under Section 376 is not made out. He further submits that there is an inordinate delay in

lodging the FIR. For these reasons, the applicant is entitled for grant of anticipatory bail.

Counsel appearing for the State as well as the objector opposes the bail application on the ground that the applicant initially befriended the prosecutrix and subsequently, on the pretext of marriage maintained physical relationship for a considerable period of time and thereafter, refused to marry her.

Considering the nature of allegation levelled against the applicant, this Court is of the opinion that it is not a fit case where the applicant can be given the advantage of anticipatory bail.

Accordingly, the instant application filed under Section 438 Cr.P.C. stands rejected.

Sd/-

(P. Sam Koshy)
Judge