

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 175 of 2017**

- Sujit Vyapari S/o Baijanath Vyapari, Aged About 24 Years R/o Village Chathirma, Police Station Gandhinagar, Tahsil - Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through, Station House Officer, Police Station- Sadar Ambikapur, District- Surguja, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Shakti Raj Sinha, Advocate
For State:	Mr. Ashok Swarnkar, Panel Lawyer
For Objector:	Mr. Dashrat Prajapati, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****08.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicant apprehending his arrest in connection with Crime No. 65/2017 registered by the Police Station – Sadar Ambikapur, District - Surguja whereby he has been charged for the offence punishable under Sections 376 and 506 of the Indian Penal Code.
2. The allegation against the present applicant as per the prosecution case is that the present Applicant on the pretext of marriage is said to have established physical relationship with the complainant. Subsequently, the Applicant is said to have refused to marry her. Later, when she got the information that he is marrying with another lady she has left with no other option but to lodge the complaint.
3. Learned Counsel for the Applicant submits that he is posted at Raigarh and the Prosecutrix is residing at Ambikapur. The Applicant cannot marry

the Prosecutrix as she is older than the Applicant. Further she is also having a child who is studying in class 12th and therefore also he cannot think of marrying the Prosecutrix. It is a false, fabricated and baseless case lodged against the applicant.

4. Learned State Counsel however takes this Court through the statement of the Prosecutrix wherein she has categorically stated that the present applicant used to frequently visit her and on the pretext of marriage had started maintaining physical relationship with the Prosecutrix and later the Applicant has refused to marry her and it was learnt that present applicant is going to marry another lady.
5. Considering the nature and gravity of the allegation and offence leveled against the present applicant, this Court is of the opinion that the present is not a fit case for grant of anticipatory bail.
6. Accordingly, the present MCRCA stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE