

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M. Cr. C. (A) No. 372 of 2017**

Lakhan Yadav S/o Shivilal Yadav, aged about 29 years, R/o Village Kotari, Tahsil Sarangarh, Civil & Revenue District Raigarh, Chhattisgarh.

**---- Applicant**

**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Civil Line, Civil & Revenue District Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : | Shri B. M. Roy, Advocate          |
| For Respondent/State | : | Shri Ashok Swarnkar, Panel Lawyer |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**17/05/2017**

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. 265/2017 registered at P.S. Civil Line, Civil and Revenue District Raipur (CG) for the offence punishable under Sections 376, 493 of IPC and Section 3 (2) (5) of the S.C/S.T Act.

The case, as per the prosecution, is that the prosecutrix has lodged a complaint alleging that on the pretext and assurance of marriage, the applicant sexually exploited her for a considerable period of time and subsequently, the applicant ditched her and was getting marriage to another lady giving rise to the filing of the complainant.

Counsel for the applicant seeks anticipatory bail on the ground that firstly there is a delay in lodging of the FIR and secondly, the prosecutrix was a major girl at the relevant time and therefore, it was a case of consent in respect of the relationship that the two had maintained.

State counsel, however, opposes the bail application on the ground that it is a case of sheer exploitation of prosecutrix by the applicant on the pretext

and assurance of marriage.

Having considered the rival contentions put forth by the counsel of either side and on perusal of the statement of the prosecutrix where she has alleged that right from the first day of their meeting itself the applicant had given assurance of marriage and on the pretext of marriage, he sexually ravished her and finally refused to marry her, this Court is of the opinion that it is not a fit case where the present applicant can be granted the advantage of anticipatory bail.

Accordingly, the instant application filed under Section 438 CrPC stands rejected.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**

Bhola