

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 408 of 2017

- Som @ Somprakash Dewangan S/o Shri Noor Singh Dewangan, Aged About 34 Years (Wrongly Mentioned 30 Years In Impugned Order) R/o Village Dundara, Thana Utai, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Utai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Dr. N.K. Shukla, Sr. Advocate with Miss Priya Mishra, Advocate.
For Respondent	:	Mr. Neeraj Jain, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/06/2017

1. Present application under Section 438 Cr.P.C. has been filed by the applicant seeking anticipatory bail in connection with Crime No.102/17 registered at Police Station Utai, District Durg (CG) for the commission offence punishable under Sections 376 & 450 of IPC.
2. As per case of the prosecution, the applicant under the threat of causing physical harm to the prosecutrix has ravished her on a couple of occasions.
3. Learned Senior Counsel for the applicant submits that it is the case where there is delay in the FIR. It is also a case where the applicant has been falsely implicated in the case. He further refers to an affidavit which has been sworn by the prosecutrix which reflects that the prosecutrix does not have any objection in granting bail to the present applicant.
4. On the other hand, learned counsel appearing on behalf of the State

opposes the bail application and refers to statements of the prosecutrix recorded under Section 161 and 164 Cr.P.C. wherein in both the statements she has taken a consistent stand of present applicant ravishing her on the threat of causing physical harm to her.

5. Taking into consideration the statement of the prosecutrix, particularly the allegation of act being committed under threat of causing physical harm to the prosecutrix, this Court is not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the bail application is rejected.

Sd/-

(P. Sam Koshy)
Vacation Judge

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