

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 441 of 2017**

- Balak Ram S/o Shri Paras Ram Rathiya Aged About 22 Years R/o Village Jamabeera, Post Sisaringa, Tahsil And Police Station Dharamjaigarh, Civil And Rev. Distt. Raigarh Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kapoo, Civil And Rev. Distt. Raigarh Chhattisgarh.

---- Respondent

16/06/2017	Shri Paras Mani Shrivastava, counsel for the applicant. Smt. M. Asha, Panel Lawyer for the State. The present application has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No. 23/2017, registered at Police Station Kapoo, Dist. Raigarh for the offence punishable under Section 363, 376, 506B/34 of the I.P.C. Case of the prosecution, in brief, is that on the threat of dire consequences at knife point, the present applicant is said to have ravished the prosecutrix between the period of 05.04.2017 to 07.04.2017. Counsel for the applicant submits that the age of the prosecutrix was more than 16 years and that the present applicant has been falsely implicated in the case on account of some previous rivalry between the parties. He further submits that the F.I.R. in the instant case is also lodged and there was ample opportunity for the prosecutrix to have raised alarm and sought for help and having not done so, the case of the prosecution gives rise to create an element of doubt. On the other hand, the State Counsel opposes the bail application and

submits that a plain reading of the statement of the prosecutrix itself reveals that the present applicant, on the threat of dire consequences of causing grievous injuries by knife is said to have ravished the prosecutrix between the period of 05.04.2017 to 07.04.2017 and the prosecutrix later on is said to have informed her relatives, on the basis of which, F.I.R. was lodged.

Considering the facts and circumstances, more particularly, the nature of offence, this Court is of the opinion that it is not a fit case for grant of anticipatory bail to the applicant.

Accordingly, the present anticipatory bail application is dismissed.

Sd/-

(P. Sam Koshy)
Vacation Judge

/Anjani/