

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 602 of 2017

- Giriraj Singh S/o Shri Umend Singh, Caste- Gond, Aged About 27 Years R/o Village Jaraundha, Police Station Khadgawan, District- Koriya,- Baikunthpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Pendra, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharendra Prasad Mishra, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/10/2017

1. Apprehending arrest in connection with Crime No.140/2017 registered in Police Station- Pendra, District – Bilaspur (C.G.), for offence punishable under Sections 376 of Indian Penal Code (for short 'IPC') of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that applicant has been falsely implicated by the prosecutrix in the case. It is submitted that the fact is this, that negotiation had taken place between the parents of applicant and the parents of prosecutrix for their marriage, but for some reasons, the marriage could not be performed between them. Prosecutrix has willingly submitted herself to applicant for sexual intercourse which cannot be regarded as any forceful act or rape. As

applicant has married to some other woman, this is only reason that he has been implicated in this case, hence, prayed that the applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the contents of FIR and the statement under Section 161 of CrPC clearly mentions that every act of sexual intercourse that has taken place with the prosecutrix was forcefully committed without the consent and willingness of the complainant, hence, applicant is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Considering the submissions made and the facts in the case diary, it appears that no extra ordinary case is made out for grant of anticipatory bail.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge