

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 768 of 2017

Devsingh S/o Aartidas Aged About 35 Years Caste Mahant
(Panika), R/o Village Badadahara, Police Station & Tahsil Dabhara
District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate District Janjgir
Champa Chhattisgarh.

---- Respondent

For applicant – Shri Ishwar Jaiswal, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/12/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 182/2017 registered at Police Station Dabhara Civil & Revenue District Janjgir-Champa (C.G.) for offence punishable under Sections 376, 506 of Indian Penal Code.
2. As per the prosecution case, a report was made by the prosecutrix on 30/05/2017 that on 3/04/2017 the applicant has entered into her house and forcefully committed rape and thereafter threat was extended not to disclose it to anybody. Subsequently, as such delay was caused in lodging the report.
3. Learned counsel for the applicant submits that the prosecutrix was 35 years lady, she was a consenting party and FIR is grossly delayed. He submits that false allegations have been attributed against the applicant because of some monetary transaction existing between the parties, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the statement of the prosecutrix and the report. Considering the report positive allegation of rape and extending threat is alleged against the applicant, therefore, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE