

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 793 of 2017

Ghanshyam Nishad S/o Late Tiharuram Nishad Aged
About 31 Years R/o Kondagaon Police Station Vishrampur
District Kondagaon Chhattisgarh Temporary Address
Special Assistant, Union Bank Of India Branch
Dantewada, District Dantewada Chhattisgarh.

--- Applicant

Versus

State of Chhattisgarh through Police Station Kanker,
District Kanker Chhattisgarh.

--- Respondent

For the applicant : Mr. Manaynath Thakur, Advocate.
For the State : Mr. Anupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2017

1. Apprehending arrest in connection with Crime No. 259 of 2017 registered at Police Station Kanker, Distt. Kanker (C.G) for the offences punishable u/ss 376 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the victim on 09.08.2017 that from 05.04.2015 after the death of wife of the applicant he used to allure her that he would marry as the child of the applicant was with the victim and on that promise, committed forcible sexual intercourse and subsequently he refused to marry on which a report was initially made to the Panchayat wherein the applicant admitted his guilt thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the victim is six years older than the applicant and in order to have a forcible marriage with the applicant, a false report has been made. He further submits that after the applicant was transferred from one place to another, he was not in contact with the victim though the false allegations have been attributed and the statements recorded u/s 161 & 164 of Cr.P.C., are contradictory to each other, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the statement of victim as also the statement of one Ramjee Kuldeep who were the part of the meeting in village Panchayat. Considering their statements, I am not inclined to allow this anticipatory bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**