

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1121 of 2016

- Tribhuvan Gurjar S/o Late Babai Gurjar, Aged About 40 Years
Occupation - Service (Sahayak Sikshak Panchayat) Caste -
Gurjar, R/o Village - Asura, Police Station & Tehsil - Odagi,
District Surajpur Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, S. C. & S.
T. Welfare Police Station Surajpur, District Surajpur
Chhattisgarh **--- Respondent**

For the applicant : Mr. Sarfaraj Khan, Advocate.
For the State : Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2017

1. Apprehending arrest in connection with Crime No. 12/2016 registered at Police Station SC/ST Welfare Surajpur, Distt. Surajpur (C.G) for the offences punishable u/ss 376, 506 IPC and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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 prosecutrix on 01.10.2016 that on 22.09.2016 while she was taking bath at the river the applicant came there and forcibly committed forcible sexual intercourse which was subsequently revealed to the husband of the victim. Thereafter, a quarrel took place between the husband of complainant and applicant.
3. Learned counsel for the applicant would submit that

earlier to that, in fact the husband of prosecutrix has assaulted the victim thereby in order to come out of such offence, false allegations have been levelled against the present applicant. He further submits that Crime No.66/2016 was registered at Odagi Police Station, therefore, the applicant in this case is liable to be enlarged on bail. He further submits that at the time of incident, the applicant was imparting education at the school, therefore, he has been falsely implicated and as such he may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and different documents of crime No.66/2016 and the statement of the victim in the instant crime number.
6. Considering the statement of husband which has been recorded in Crime No.66/2016 wherein it is stated that the applicant has outraged the modesty of his wife as such he attacked the applicant and further after reading statement of victim in Crime No.12/2016, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**