

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 938 of 2017

- Urjitnarayan S/o Devsharan, Aged About 25 Years, R/o Village Rampur Police Station Ramanujnagar, District Surajpur Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Ramanujnagar, District Surajpur Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-02-2018

1. Apprehending arrest in connection with Crime No.181/2017, registered at Police Station – Ramanujnagar District Surajpur, Chhattisgarh for offence punishable under Section 376 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case had been a consenting party, as the applicant and the prosecutrix were found in compromising position by her husband, because of which, the FIR was lodged against him. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the prosecutrix has made categorical statement under Section 161 and 164 of the Cr.P.C. alleging that she was raped by this applicant without her consent and willingness. Hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. In the FIR lodged by the prosecutrix it is alleged that on the date of

incident when the prosecutrix was sleeping inside her room, at that time the applicant forced his entry into her room and forcibly committed sexual intercourse with the prosecutrix. The prosecutrix, later on, informed about this incident to her husband and the FIR was lodged on the next day.

6. Considered on the submissions made and contents of the case diary.

7. From the evidence that is present in the case diary, it does not reflect that the sexual intercourse between the applicant and the prosecutrix had been based on consent of the prosecutrix. Hence, for this reason, no case is made out for grant of anticipatory bail to the applicant in the present matter.

8. Consequently, the application (MCRCA No.938/2017) filed under Section 438 of the Cr.P.C. by the applicant is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge