

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 436 of 2018**

Devidutt Gahwai S/o Shri Arjunlal Gahwai Aged About 39 Years R/o  
8/1556 Maya Power Bhawan Panna Nagar Jarhabhatha Police  
Station Civil Line, Bilaspur, District Bilaspur Chhattisgarh

**---- Applicant**

**Versus**

Chhattisgarh Of State Through Incharge Police Station Anusuchit  
Jati Janjati Kalyan Thana Bilaspur, District Bilaspur Chhattisgarh,

**---- Respondent**

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For applicant – Shri Durga Prasad Yadav, Advocate.  
For Respondent/State – Shri Wasim Miyan, PL.  
For objector- Shri Rishi Rahul Soni, Advocate.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**27/06/2018**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 03/2018 registered at Police Station AJAK, Bilaspur, District Bilaspur (C.G.) for offence punishable under Section 376 of IPC and Sections 3/2, 5/5(Ka) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution case, a report was made by the prosecutrix that while she was working in Nijak Computer which is owned by the applicant, the applicant allured her on the pretext of marriage and thereafter for 2 ½ years on the pretext of marriage committed sexual intercourse. Thereafter, when she pressed for marriage the applicant refused to marry.
3. Learned counsel for the applicant submits that the prosecutrix was a major lady, she of her own had gone into the company of the applicant and was a consenting party, therefore no offence of 376 IPC is made out and the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel and counsel for the objector vehemently opposes the prayer for grant of anticipatory bail and has categorically stated that prosecutrix was being sexually exploited and when she pressed for marriage the applicant refused to marry on the ground that she belongs to lower caste. It is also submitted that prosecutrix was also subjected to forceful abortion at the instance of the applicant.

5. Perused the statement of the prosecutrix. Considering the statement and the documents collected, 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