

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC(A) No. 477 of 2018**

- Raju Bagh, S/o Ramchandra Bagh, aged about 38 years, R/o Gandhi Nagar, near Kashi Kirana Store, Bhilai 3, District : Durg, Chhattisgarh.,  
---- Applicant

**Versus**

- State Of Chhattisgarh Through- the Station House Officer, Police Station Bhilai-3, (District Magistrate), District Durg, Chhattisgarh.,  
---- Respondent

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| For Applicant         | : | Shri Rajesh Kumar Tiwari, Advocate |
| For Respondents/State | : | Shri Anant Bajpai, P.L.            |

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**Hon'ble Shri Justice Sanjay Agrawal****Order On Board****28.08.2018**

1. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.) by the applicant Raju Bagh apprehending his arrest in connection with the Crime No.575/2017 registered in Police Station Bhilai-3, District Durg (C.G.) for the offence punishable under Sections 376 and 493 IPC.

2. Case of the prosecution is that the complainant, aged about 35 years, lodged a complaint before Police Station Purani Bhilai against the applicant alleging therein that the applicant in the year 2013, on the pretext of marrying with her, performed marriage in 'Arya Samaj' as she was deserted lady and after the said marriage started torturing and misbehaving not only with her but also with her daughter. It is alleged further that when the complainant was pregnant, the applicant started compelling her to undergo the termination of pregnancy and ultimately aborted her pregnancy forcibly. Based upon the written complaint, the aforesaid offences have been registered against the applicant.

3. Shri Rajesh Kumar Tiwari, learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the

said crime. He submits further that the complainant was a married woman, however, while suppressing the said fact, has performed marriage with the applicant and when the said fact was revealed, the dispute arose between the parties only thereafter. He, therefore, submits that under such circumstances, the applicant may be granted anticipatory bail.

4. On the other hand, Shri Anant Bajpai, learned counsel for the State while opposing the bail application submits that a very specific allegation has been made in the complaint by the complainant that on the pretext of marriage, he has committed sexual intercourse with her and when she became pregnant, he forcibly aborted her pregnancy. According to him, the matter is still under investigation and it is premature to accept the contention of the applicant. The application is, therefore, liable to be rejected.

5. I have heard learned counsel for the parties and perused the case diary carefully.

6. Having considered the facts and circumstances of the case and that by taking into consideration the allegation made in the complaint by the complainant, which prima facie appears to be a serious one, I am not inclined to grant him anticipatory bail.

7. The bail application is accordingly rejected.

Sd/-

**(Sanjay Agrawal)**  
**Judge**