

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 491 of 2018

- Narendra Surana S/o Late Gyanmal Surana Aged About 40 Years R/o Village Geedam, District Dantewada Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Geedam, District Dantewada Chhattisgarh.

---- Non-applicant

For Applicant : Shri P.R. Patankar, Advocate.

For Non-applicant : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

05.07.2018

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 15/2018 registered at Police Station- Geedam, District - Dantewada (C.G.), for offence punishable under Sections 294, 323, 506-B, 366 and 376 of the Indian Penal Code and Section 3(2)(v), 3(2)(va) of SC/ST Act.
3. Case of the prosecution, in brief is that the prosecutrix is near about 25 years of age and resident of Ghotpal Nakapara. Near about 5 years ago, the applicant knowingly that the prosecutrix is a member of Scheduled Tribe, kept her promising to marry. He committed sexual intercourse with her on pretext of marriage. Subsequently, it has come in

the knowledge of the prosecutrix that applicant is already married and thus, she refused to live with him. Thereafter, the applicant abused and beaten her.

4. Learned counsel for the applicant argued that no offence is made out against applicant. He pointed out Annexures A/2, A/3, A/4, A/5 and A/6 wherein it has been mentioned that the applicant is the husband of the prosecutrix. He placed reliance on order of this Court in **Praveen Kumar Sahu vs. State of C.G.** {2007(2) CGLJ 152 And order dated 12.02.2017 in **Roshan Kiro vs. State of Chhattisgarh in M.Cr.C.(A) No. 829 of 2017**. The applicant is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to the facts and circumstances of the case, the applicant does not get any help from the aforesaid orders in **Praveen Kumar Sahu** (supra) and **Roshan Kiro** (supra).

7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicants.

8. Consequently, the present anticipatory bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE