

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 590 of 2018**

Ramratan S/o Shri Aanand Ram Aged About 45 Years R/o- Village Khamharia, P.S. Udaypur, District- Surguja, Chhattisgarh.

----Applicant**Versus**

1. State Of Chhattisgarh, Through- Police Station In-Charge P.S.- Udaypur, District- Surguja, Chhattisgarh.
2. Ku. Sharda Ravi D/o Biranram Ravi Aged About 32 Years R/o Village Khamhariya, Police Out Post Udaypur, Police Station Lakhanpur District Surguja Chhattisgarh.

---- Respondents

For Applicant	: Ms. Soniya Kuldeep, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.
For Respondent No.2	: Ms. Varsha Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/10/2018**

1. The applicant apprehends his arrest because of issuance of permanent warrant of arrest in S.T. No.20/2018, pending before the Court of Judicial Magistrate First Class, Ambikapur, District – Surguja for the offence under Section 294, 506-B, 323, 450, 376 (2) (G), 363, 366, 452 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The alleged incident is of dated 04.08.2001. The prosecutrix kept silent for

about 10 months and then she filed a complaint before the Court of C.J.M., Ambikapur on the basis of which, the offence has been registered against the applicant and the co-accused persons. Totally false allegation has been made against this applicant by the prosecutrix and no case is made out against him. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel formally opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the respondent No.2 submits that subsequent to the incident, the prosecutrix had approached the police for lodging of FIR but because of influences of this applicant, who had been Ex-Sarpanch, no action was taken. Because of which, the prosecutrix was compelled to file private complaint. It is submitted that because of the absence of this applicant and other co-accused persons, trial in the case is withheld since long. Hence, it is prayed that the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the complaint, it is alleged that on 05.08.2001, this applicant along with co-accused persons armed with sword and axes committed house trespass in the house of the prosecutrix, abducted her and by putting her under threat and using abusive words committed gang rape with her. On the basis of the statement in complaint and the evidence in enquiry, offence have been registered against the applicant and other co-accused persons.

7. It is mentioned in the order of the trial Court rejecting the application for grant of anticipatory bail that this applicant had for the first time filed the application for grant of anticipatory bail before the Session Court in the year 2002, which was rejected on 29.08.2002. Subsequent to that this applicant has successfully avoided the criminal prosecution against him for about more than 15 years. Hence for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram