NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 606 of 2018

- Ramprasad Netam S/o Kundiram Aged About 32 Years R/o Village Gahirbahar P. S. Farasgaon District Kondagaon Chhattisgarh Present Address Potacabin Hitameda P. S. Barsoor, District South Bastar Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through P. S. Barsoor, District South Bastar Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Respondent

For the applicant : Shri P.K. Tulsyan, Advocate.
For the respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

04-7-2018.

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 13/2018, registered at Police Station Barsoor, District Dantewada (CG) for the offence punishable under Sections 366 and 376 of the I.P.C.
2. As per prosecution case on the promise of marriage, the applicant made physical relations with the prosecutrix and when she conceived pregnancy, the applicant administered some medicine to her without her consent which caused her miscarriage. Further case of the prosecution is that the applicant prepared an affidavit regarding marriage with the

prosecutrix in order to save him and he made engagement with some other girl.

3. Learned counsel appearing for the applicant submits that the applicant is innocent and he has been falsely implicated in the case. He submits that the applicant has already given an affidavit for marriage with the respondent, therefore, the applicant may be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application. He submits that though the applicant has filed affidavit dated 22.3.2018 regarding marriage, but the prosecutrix deposed before the Investigating Officer in her statement recorded under Section 161 Cr.P.C. on 21.4.2018 and again stated before the Magistrate under Section 164 Cr.P.C. that the applicant did not marry with her and the said affidavit has been made only to save the applicant. She has further stated that the applicant had administered her some medicine without her consent which caused her miscarriage.

5. I have heard learned counsel for the parties and perused the case diary with utmost circumspection.

6. Considering the facts in its entirety, I am of the opinion that present is not a fit case to extend the benefit of Section 438 Cr.P.C. to the applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/

(Ram Prasanna Sharma)
JUDGE

sunita