

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1029 of 2018**

Shyam Bihari Sharma, S/o. Shri Kedar Sharma, Aged About 27 Years,
Constable R.P.F. Tumsar Road, Nagpur Division, Maharashtra. R/o.-
Railway Quarter No. T-18/2, Devadi Tumsar Road, Maharashtra.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer- Ratanpur, District-
Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vinay Pandey, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/09/2018**

1. Apprehending arrest in connection with Crime No.310/2018, registered at Police Station – Ratanpur, District – Bilaspur (C.G.) for offence punishable under Section 376, 506 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 applicant is Constable in RPF posted at Tumsar Road (Maharashtra). The allegation against the applicant is made after passing of about two years as the alleged date of the incident is October, 2015. The applicant was never issued a firearm, hence, the statement given

by the prosecutrix that offence was committed on the point of gun is totally uncalled for. The fact is this that the applicant had never met with the complainant and she is making a totally concocted story against the applicant. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is ample evidence present in the case diary to show that the applicant has committed the offence, hence, the application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The prosecutrix has alleged that this applicant by misusing his position as police personnel obtained her mobile number by force and then increased intimacy with her without her willingness. On one occasion on October, 2015, the applicant by force took her to Khutaghat and then on gun point, he raped her. On subsequent occasion, the applicant threatened the prosecutrix that he has made an objectionable video of the act between them and in case, she does not fulfill his wishes, he will upload the video in the internet to defame her and by harassing and threatening exploited her sexually on number of occasions and ultimately she felt compelled to file FIR against the applicant.
6. Considered the submissions made and the contents of the case diary. Looking to the statement given by the prosecutrix, which has presumptive value under Section 114A of the Evidence Act and the

other evidence present on record, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram