

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 798 of 2017

Vikas Kumar Yadav S/o Pitambar Yadav, Aged About 25 Years
R/o Village Nagar Panchayat Bageecha, Ward No. 10, Rauni
Road, Bageecha, Civil & Revenue District Jashpur,
Chhattisgarh., Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Bageecha
District Jashpur, Chhattisgarh., Chhattisgarh --- **Respondent**

For the applicant : Mr. K. N. Nande, Advocate.
For the State : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.02.2018

1. Apprehending arrest in connection with Crime No. 118 of 2017 registered at Police Station Bageecha, Distt. Jashpur (C.G) for the offences punishable u/ss376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made on 11.7.2017 that the victim was found missing and while she was being searched it was revealed that the present applicant has committed forcible sexual intercourse with the victim.
3. Learned counsel for the petitioner would submit that before the incident, a report was made by the wife of applicant that she was threatened that the applicant would be implicated in some false case and no enquiry

was made and the dispute was because of some civil suit which was pending.

4. Learned State Counsel was directed to make enquiry as to the nature of report. The State counsel submits that the report made by the petitioner's wife was found to be forged.
5. Considering the case diary and the nature of allegations, it is not a case where the benefit of section 438 Cr.P.C. can be extended. Accordingly, this bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

R a o