

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1299 of 2018

- Suraj Prasad Verma S/o Late Shri Ram Ji Verma, Aged About 50 Years, R/o Village Sandi, Police Station and Tahsil Chhuikhadan, District - Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhuikhadan, District - Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri C.K. Kesharwani, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-10-2018

1. Apprehending arrest in connection with Crime No.179/2018, registered at Police Station – Chhuikhadan, District - Rajnandgaon, Chhattisgarh for offence punishable under Section 376 & 506 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. A totally false FIR has been lodged by the prosecutrix as the date of incident is mentioned as 22-08-2018, whereas, she informed her mother and husband on 26-08-2018 and the FIR has been lodged on 30-08-2018 which shows that there had been due deliberation before lodging of the FIR . Copy of the Kotwari register has been attached along with the application which shows that there was some dispute regarding which a meeting was called in the village on 11-08-2018 and this meeting was called by the son of the prosecutrix. Apart from that, in meeting held by the villagers on 06-09-2018 the dispute between son of the prosecutrix and others has been raised before by the elders of the society, but the matter of rape was not raised in the meeting. Hence, it shows that the case is totally false. Hence, it is prayed

that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear statement given by the prosecutrix and supporting witnesses regarding commission of offence of rape and threatening by the applicant, hence, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on the date of incident when the prosecutrix had been to fields to answer the call of nature, the applicant finding an opportunity caught hold of her and committed the offence of rape with her. Later on the applicant threatened the prosecutrix with dire consequences in case she discloses about the incident to anyone. When the prosecutrix gathered up courage, she informed about this incident to her mother and husband, then the FIR was lodged in this case.

6. Taking into consideration all the material present in the case diary, I am of this opinion that this is not a fit case for grant of anticipatory bail.

7. Consequently, the application filed by the applicant under Section 438 for grant of anticipatory bail is hereby rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge