

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1434 of 2018

- Arijeet Beera S/o Shri Shankari Prasad Beera Aged About 31 Years
R/o Narmada Nagar, Bilaspur Revenue District Bilaspur Chhattisgarh,
District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Civil Line Bilaspur District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. K.P.S. Ganghi, Advocate.
For Respondent : Mr. V.B.Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/11/2018

1. This is Second bail application. The earlier application MCRCA No.1043/2018 was dismissed as withdrawn on 20.9.2018, in which, the Court was directed to decide the regular bail application of the applicant preferably on the same day he surrenders.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.708/2018 registered at Police Station- Civil Line, District – Bilaspur(C.G.), for the offence punishable under Section 376 of the Indian Penal Code and Section 3(2)(5) of Schedule Caste & Schedule Tribe Prevention of

Atrocities Act.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that no case is made out against this applicant according to the material present in the case diary. Prosecutrix is a major lady and she was a consenting party, hence, it is prayed that he may be enlarged on anticipatory bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct allegation and evidence present in this case, hence, the application be rejected.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged, it is alleged that this applicant finding prosecutrix alone in the office caught hold of her and by force raped her.
7. After considering on the evidence present in the case diary, I am of this view that this is not a fit case where the applicant should be enlarged on anticipatory bail.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge