

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1145 of 2017**

Jaleshwar Yadav, S/o Shri Somaru Yadav, aged about -24 years, Caste – Ahir, R/o Village-Latori, Police Station – Lakhanur, District Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through – the Station House Officer, Police Station – Aadim Jati Kalyan Ambikapur, District – Sarguja (C.G.)

---- Non-applicant

For Applicant	:	Mr. R.R. Soni, Advocate.
For Non-applicant	:	Mr. Dilman Rati Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

22/03/2018

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 19/2017 registered at police station Aadim Jati Kalyan, Ambikapur, Sarguja for the offences punishable under Sections 450 & 376 of the Indian Penal Code and Section 3(2)(v) of the Scheduled Castes & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

(2) Case of the prosecution, in brief, is that applicant has committed sexual intercourse with the prosecutrix in the period from 1.1.2015 to 4.6.2017 knowing fully well that she is a member of Scheduled Tribe and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that as the FIR has been registered against the prosecutrix and her parents for the offences punishable under

Sections 147, 148, 149, 294, 506 & 323 of the Indian Penal Code at the instance of the applicant on 8.6.2017, as a counter blast another FIR has been lodged by the prosecutrix against the applicant on 19.8.2017 falsely implicating the applicant in the crime in question.

(4) On the other hand, counsel for the State would submit that the prosecutrix was minor on the date of offence and even after marriage of the prosecutrix, the applicant disturbed her by giving threat of disclosing the fact of their physical relation before in-law's of the prosecutrix and, therefore, the applicant is not entitled for anticipatory bail.

(5) Taking into consideration the nature and gravity of the offence, age of the prosecutrix, who is said to be the minor on the date of offence; role of the applicant in the crime in question and the manner in which the offence is said to have been committed, I am not inclined to extend the benefit of anticipatory bail in favour of the applicant. Thus, the application for grant of anticipatory bail is rejected.

Certified copy, as per rules.

Sd
(Sanjay K. Agrawal)
Judge

D/-