

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1138 of 2017**

- Amit Kumar Kannouj S/o Shri Rajkumar Kannouj, Aged About 28 Years R/o Guliya Parisar, Purani Basti Kargi Road Kota, P. S. And Tahsil Kota, Civil And Revenue Distt. Bilaspur Chhattisgarh

---- Applicant

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

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| For Applicant        | : | Shri Awadh Tripathi, Advocate with Shri Sunil Sahu, Advocate |
| For Respondent-State | : | Ms. Astha Shukla, PL for the State.                          |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****21/03/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 241/2017 registered at Police Station City Kotwali, Bilaspur (C.G.) for the offence punishable under Sections 376, 420/34 IPC
2. As per the prosecution case, a complaint was made by the victim that she was working in a hospital as a nurse, wherein the present applicant came for some treatment thereafter the relation developed and the victim was assured to be provided with job in the Railways. In such continuation she was taken for some interview to Puri, wherein the applicant committed sexual intercourse against her will.
3. Learned counsel for the applicant would submit that the applicant has been

falsely implicated in this case, in fact, a report with regard to some monetary transaction was made by the victim, but thereafter false allegations of rape has been alleged, therefore, he prays that the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have perused the statement of the victim, which shows that apart from taking money to provide job, she was subjected to sexual exploitation. Considering the same, I am of the opinion that it is not a case where the benefit of Section 438 Cr.P.C. can be granted to the applicant. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu