

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 72 of 2019**

Basant Ekka S/o Helarius Ekka Aged About 27 Years Caste Uroan, R/o.
Kharijhariya, P. S. Kunkuri, District Jashpur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Tapkara District Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Laxmeen Kashyap, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/01/2019**

1. Apprehending arrest in connection with Crime No.75/2018, registered at Police Station – Tapkara, District – Jashpur (C.G.) for offence punishable under Section 376, 494 of the Indian Penal Code and Section 3, 4, 5 and 6 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The prosecutrix had been a consenting party in this case and the applicant intended to marry her. The applicant is also capable to prove that the age of the prosecutrix is above 18 years

on the date of incident. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the age of the prosecutrix was below 18 years on the date of incident, therefore, it is clear case of sexual exploitation of minor prosecutrix by the applicant. Therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against this applicant is this that he allured the minor prosecutrix of age 16 years with false promise to marry her and exploited her sexually on numerous occasions. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge