

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 272 of 2019

- Anuj Kumar Rajwade S/o Lallan Ram, Aged About 20 Years, Caste- Rajwar, R/o Village Girwarganj, Police Station & Tahsil Surajpur, Distrtict- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer -Surajpur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Surfaraj Khan, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

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

12-07-2019

1. Apprehending arrest in connection with Crime No.34/2019, registered at Police Station – Surajpur, District- Surajpur, Chhattisgarh for offence punishable under Section 452, 376 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. The prosecutrix is a major woman of age 24 years. The prosecutrix had been a consenting party, however, she has denied this in her statement, but, in the FIR lodged it is reflected that the applicant earlier had made attempt on 10-01-2019 before the date of incident. Just because the children of the prosecutrix witnessed this incident, hence she has made false allegation against the applicant. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement given by the prosecutrix and prompt lodging of the FIR, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, it is alleged that the applicant had made attempt to assault the prosecutrix sexually on 10-01-2019. Thereafter, the

dispute was pacified. On 26-01-2019 when the prosecutrix was in her house with her children, this applicant committed house trespass and then by using physical force committed offence of rape with her. The prosecutrix gave intimation of this incident to her husband and thereafter the FIR has been lodged on the same day.

6. Looking to the evidence present against this applicant and the prompt lodging of the FIR, I do not feel inclined to allow this application.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge