

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 361 of 2019**

Khurshid Aalam Ansari, S/o. Moh. Hussain Ansari, Aged About 38 Years,
R/o Village- Manja (Raja Katel), Police Station and Tahsil- Lakhanpur,
District- Surguja, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Lakhanpur, District-
Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Tripathi, Advocate
For Respondent	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Jitendra Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/04/2019**

1. Apprehending arrest in connection with Crime No.06/2019, registered at Police Station – Lakhanpur, District – Surguja (C.G.) for offence punishable under Section 450, 376 (1), 294, 323 of I.P.C. and Section 3 (1) (r) (s) S.C. & S.T. (Prevention of Atrocities) Act, 1989, 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 in the case diary. The prosecutrix has come up with cooked story against the applicant. The applicant had been a witness in the earlier complaint filed by the prosecutrix against one Shankar Kurre for which the accused Shankar Kurre was charge-sheeted. Later on the prosecutrix compromised with the Shankar Kurre and he has been enlarged on bail. It is informed that both of them had married

and are living together. The said Shankar Kurre has developed enmity with this applicant and for that reason he earlier motivated the prosecutrix to file a compliant to the police station on 29.12.2018. The police has made an enquiry in the said complaint and have observed that the prosecutrix was being pressurized by the Shankar Kurre to lodge FIR against the applicant. As no FIR was lodged on the basis of that complaint, therefore, the prosecutrix has developed a new story and lodged a false FIR on 13.01.2019 alleging that offence of rape has been committed by this applicant on 12.01.2019 in her house, therefore, it is basically concocted story because of which, the applicant is apprehending his arrest. Therefore, it is prayed that the applicant be granted 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 earlier the case initiated by the prosecutrix and the earlier compliant filed by the prosecutrix are different matters. In this case the prosecutrix has made clear and categorical allegation against the applicant regarding the commission of offence of rape, therefore, the application be rejected.
4. Counsel for the objector adopts the argument advanced by the learned counsel for the State and submits that this is a different case altogether based on new facts and the submission of false implication made by the applicant are baseless, hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

6. Prosecutrix has lodged FIR on 13.01.2019 alleging that on 12.01.2019, when she was alone in her house, the applicant forcefully entered and then committed the offence of rape with her.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary all the grounds raised in the application are matter of defence and needs appreciation of the Court before coming into any conclusion, hence for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge