

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 417 of 2019

- Priyank Kumar Ballarkhede, S/o Shri Dinesh Kumar, Aged About 29 Years Office Assistant (Group- 2), South East Central Railway, Tilda District - Raipur Chhattisgarh., At Present R/o House Of Vermaji, Behind Shitla Mandir, Daganiya Market, Deendayal Upadhyay Nagar, Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station D.D. Nagar, District-Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate.
For Respondent/State : Mrs. Rajesh Singh, Dy. Govt. Advocate.

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

27/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.43/2019 registered at Police Station-D.D. Nagar, District–Raipur(C.G.), for the offence punishable under Section 376 of Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. According to FIR lodged, the incident happened for the first time on 20.11.2018, whereas FIR has been lodged in this case on 13.2.2019, after a long interval, after due deliberation and concoction. The prosecutrix is a major girl and she had been a consenting party. All went well between them until the appellant engaged for marriage with

another girl because of which the prosecutrix has lodged this false FIR making false allegation of rape against the appellant. Hence, it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that it is a clear-cut case in which the applicant had obtained the consent of prosecutrix by deceit, therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, the appellant got acquainted with the prosecutrix and then on 20.11.2018 he mixed some intoxicated substance in her drink and when the prosecutrix was under the influence of that substance, he established physical relation with her on the promise that he will marry her and the same continued for some time. The prosecutrix continued insisting for marriage, but the appellant ignored and stalled by making false excuses. He has then engaged for marriage with some other girl. Hence, this case.
6. After considering on the evidence present in the case diary, I do not feel incline to allow this application.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge