

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 900 of 2019

- Santosh Yadav S/o Manaram Yadav, Aged About 42 Years, R/o Ganesh Nagar, Nayapara, Near Jaysthamb, Police Station Sirgitti, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Umakant Singh Chandel, Advocate.

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

Shri Awadh Tripathi, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-07-2019

1. Apprehending arrest in connection with Crime No.158/2019, registered at Police Station – Sirgitti, District Bilaspur, Chhattisgarh for offence punishable under Section 376, 506 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. No case is made out. The relation of the applicant and the prosecutrix had been consensual, later on, the prosecutrix had started threatening this applicant to pay money for the incident which had taken place, regarding which transcript of telephonic conversation is filed along with the application which may be perused. Hence, on this basis, it can be made out that the prosecutrix has falsely implicated this 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, a clear case of commission of offence of rape is made out, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. Learned counsel for the objector adopts the argument advanced by the State counsel and submits that the prosecutrix has very clearly alleged regarding commission of offence. Hence, the application may be rejected.
6. In the FIR, it is alleged that finding the prosecutrix alone on the first date of incident i.e. 29-06-2018 this applicant by putting her under threat forcefully raped her and similar incident occurred again on 10-03-2019.
7. According to the statement given by the prosecutrix of the case that the first incident had taken place by putting her under threat by this applicant and it does not appear to be a case of affair between them. The transcript that has been filed needs to be investigated and verified. Therefore, I do not feel inclined to allow this application.
8. Accordingly, 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