

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 925 of 2019

- Arjun Tirkey S/o Shri Sadhram Tirkey, Aged About 36 Years, By Caste Uraon, R/o Village Pakpani, Police Station Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through, Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2019

1. Apprehending arrest in connection with Crime No.87/2019, registered at Police Station – Patthalgaon, District Jashpur, Chhattisgarh for offence punishable under Section 363, 376 (2) (n) of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012, 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 prosecutrix is of age above 18 years and she had been a consenting party. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was 14 years on the date of incident, regarding which evidence present in the investigation. Therefore, the application does not deserve to be allowed.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix is minor aged about 14 years. It is alleged that on the date of incident this applicant after putting the

prosecutrix under threat committed offence of rape with her and continued her exploitation for sometime, because of which she became pregnant. The applicant then by force administered some medicine which affected the abortion of the pregnancy of the prosecutrix. Thereafter, the FIR has been lodged.

6. After overall consideration on the material present in the case diary, I do not feel inclined to allow this application.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge