

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 949 of 2019**

Nehal Rathod, S/o. Rohit Kumar Rathod, Aged About 35 Years, R/o. B/8,
S.S. Green Colony, Tulsi Nagar, Korba, District Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, through : Police Station AZAK, Korba, District
Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe with Mr. Bharat Sharma, Advocates
For Respondent/State	: Mr. Avinash K. Mishra, P.L.
For Objector	: Mr. Hemant Kumar Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/07/2019**

1. Apprehending arrest in connection with Crime No.10/2019, registered at Police Station AZAK, Korba, District – Korba (C.G.) for offence punishable under Section 376 of the Indian Penal Code and Section 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) 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 in this case is major lady of age 22 years, she had been pressurizing the applicant to marry her on the

basis of one sided love because of which, the applicant was compelled to file a private complaint on 29.01.2019 against the complainant. Subsequent to which, FIR has been lodged. The prosecutrix is habitual in lodging FIR for similar prosecution and on the basis of earlier FIR lodged by her against one Lavkush, a Sessions Case No.30/2013 was tried before the Sessions Court, Korba, in which, the accused has been convicted. Subsequent to which, the prosecutrix is now leveling accusation against this applicant, which is totally without any substance. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra, learned State counsel opposes the application submitting that in fact the prosecutrix has filed a written complaint on 09.02.2019, on the basis of which, FIR has been lodged on 19.05.2019. The incident is alleged to have taken place on 01.01.2015 to 16.02.2019 and looking to the allegation made by the prosecutrix against the applicant, he is not entitled for grant of anticipatory bail.
4. Counsel for the objector adopts the arguments advanced on behalf of the State counsel and submits that it is not denied that prosecutrix is a member of scheduled caste. Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act very clearly bars the jurisdiction of the Court to entertain the application under Section 438 of Cr.P.C. The previous incident reported by the prosecutrix does not have any relevance. Therefore, it is prayed that 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. According to the prosecution case, the prosecutrix made a complaint making a statement that she got acquainted with this applicant in the year 2014. This applicant then proposed to her and expressed his love, in which the prosecutrix was not interested, but later on when they become intimate, the applicant made her believe by promise that he will marry her and established physical relation with her, which continued for quite sometime.
7. It is stated that whenever the prosecutrix would ask the applicant to marry her, he was keep silent and then the applicant revealed that he has in his possession her obscene photographs and video, which he will make viral in social media. The applicant has not only refused to marry her but also has threatened that she will have to continue submitting herself to him otherwise he will make her photographs and video viral in social media. She has also alleged that the applicant has demanded Rs.10.00 lakhs by way of extortion threatening that he will make her photographs and video viral in the social networking sites.
8. The prosecutrix has made statement under Section 164 of Cr.P.C. that in every occasions, the applicant used to promise to marry her and then by force used to have physical relation with her. On going through all the facts and circumstances of the case, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on anticipatory bail.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge