

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1125 of 2019**

Vivek Das, aged about 22 years, S/o Kaushal Das, Caste Panika, R/o Village Thathari, Police Station Baradwar, Tahsil Jaijaipur, District Janjgir Champa (CG).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, District Janjgir Champa, Police Station Baradwar, District Janjgir Champa (CG).

---- Non-applicant

For Applicant	: Ms. Nirupama Bajpai, Advocate
For Non-applicant	: Mr. Ravi Maheshari, Panel Lawyer
For Objector	: Mr. Vikas Shrivastava, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.10.2019

1. Apprehending arrest in connection with Crime No.108/2019, registered at Police Station Baradwar, District Janjgir Champa for the offence punishable under Section 376 of Indian Penal Code, the applicant has filed the first bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 10.07.2018 prosecutrix was aged about 23 years. She is a resident of village Naudarkhurd. From 10.07.2018 onwards the applicant committed repeatedly sexual intercourse with her on the pretext of marriage.
3. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. She further submitted that there was love affair between the prosecutrix and applicant and as such the applicant may be released on anticipatory bail.
4. On the other hand, counsel for the State opposed the prayer for grant of anticipatory bail. He further submitted that no criminal antecedent is reported against the applicant as per police case diary.

5. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence and looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to grant anticipatory bail.
6. Accordingly, anticipatory bail application filed under Section 438 of CrPC is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-