

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1424 of 2019

- Jagatram Bhatra (Nayak) S/o - Bhakaru Bhatra/ Nayak Aged About 40 Years R/o - Village Dhepguda, Post Office And Police Station - Chandahandi, District Navrangpur (Odisha)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 02/2011, registered at Police Station Devbhog, Distt. Gariyaband (C.G.) for the offence punishable under Section 376 of the IPC.
2. As per prosecution story, at the relevant time age of the prosecutrix was about 15 years. On 01.01.2011, at about 5 PM, when the prosecutrix went to field along with her sister-in-law Rukhmani Bai allegedly, at that time the applicant came there and taken prosecutrix with him, committed sexual intercourse with her and fled away from the spot. Sister-in-law of the prosecutrix saw the applicant running away from the spot. Report has been lodged by the prosecutrix, on the basis of said report, offence has been registered. Since, the applicant was absconded, by declaring him absconded, charge-sheet has been filed in the year 2011 itself.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case due to some civil dispute with the father of the prosecutrix. He further submits that in consequence of previous dispute, a false report has been lodged against the applicant. Medical report of the prosecutrix shows that no external and internal injury sustained by the prosecutrix. No custodial interrogation is required in the matter, therefore, the applicant may be granted benefit anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that at the time of incident age of the prosecutrix was about 15 -16 years. The applicant was absconded since 2011. Without further commenting on other merits of the case, in my considered opinion, it is not a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Arvind Singh Chandel)
Judge