

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 865 of 2020**

- Lekhram Sahu S/o Ayodhya Prasad Sahu Aged About 23 Years
R/o Village Nawagaon, Police Station Bhatapara Gramin,
District- Baloda Bazar-Bhatapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Of
Police Station- Bhatapara Gramin, District- Baloda Bazar-
Bhatapara, Chhattisgarh

---- Respondent

For Applicant	Ms. Anil Gulati, Advocate
For Respondent /State	Mr. Alok Bakshi, Additional Advocate General

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****25/11/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.233/2020 registered at Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara (CG) for the offence punishable under Section 376 of the IPC.
3. As per the material available in the case diary, the applicant had

an affair with the prosecutrix from the year 2015 and in the course of that affair, he sexually exploited the prosecutrix on promise to marry, but later on, when she became pregnant, he refused to marry her. As per the prosecutrix, she is aged about 21 years on the date of lodging of the written complaint on 8.6.2020 meaning thereby that in 2015, she was aged about 16-17 years. Although there is some discrepancy about the date of first sexual intercourse but the remains that in her statement recorded under Section 164 of Cr.P.C., she alleges that she was sexually exploited for last 3 years.

4. Considering the nature of allegations, I am not inclined to extend the benefit of Section 438 of Cr.P.C.
5. The application is dismissed. However, if the applicant surrenders and applies for regular bail, the concerned trial Court shall consider and decide the application for regular bail at the earliest.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna