

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2006 of 2019

- Ashok Upadhaya S/o Late Shri G. K. Upadhaye Aged About 34 Years R/o Taterkutipara, P. S. Bodhghat, Tehsil and District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bodhghat Jagdalpur, District Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashutosh Shukla
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

06/03/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 263/2019 registered at Police Station – Bodhghat, Jagdalpur, District – Jagdalpur, (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. As per the prosecution story, prosecutrix is a married lady aged about 25 years. Applicant is also a married person. According to the case of the prosecution, at the time of incident, present applicant and husband of the prosecutrix were in drunken condition in the house of the prosecutrix. It is alleged that since no one was present in the house of the applicant, therefore, on his request, prosecutrix and her husband went to the house of the applicant. There, again applicant sent the husband of the prosecutrix to bring liquor. Thereafter, applicant committed forcible sexual intercourse with the prosecutrix. On the

same day, Dehati Nalishi was lodged by the prosecutrix and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the husband of the prosecutrix. He further submits that virtually, on the date of incident, husband of the prosecutrix tried to outrage the modesty of the daughter of the present applicant and in this regard, a report is also lodged by the daughter of present applicant. Thereafter, to save themselves, prosecutrix has lodged a false and fabricated report. Looking to the above, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that immediately after the incident, F.I.R. was lodged by the prosecutrix and prosecutrix in her statement recorded under Section 164 of Cr.P.C. she has supported the entire case of prosecution, therefore, in my considered opinion, I am not inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge