

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 278 of 2021**

- Ram Pravesh Rathiya, S/o Dhaja Ram Rathiya, Aged About 36 Years, (Wrongly Written As Dhararam Rathiya In The Order Sheet), R/o Village- Jobi, Police Station- Jobi, Tahsil- Kharsia, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: The Station House Officer, Police Station Jobi, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Verma, Adv.
For Respondent/State	: Mr. Roshan Dubey, P.L.
For Objector	: Mr. Manoj Kumar Jaiswal, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.06.2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 39/2021 registered at Police Station- Jobi, District- Raigarh, (C.G.) for commission of the offence punishable under Section 376 of IPC.
3. Case of the prosecution is that, it has been alleged that present applicant committed sexual intercourse with the prosecutrix. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is delay of 7 days in lodging an FIR against the applicant. He next added that prosecutrix is a major lady, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail by submitting that there is serious allegation of rape against the applicant, therefore, applicant may not be released on anticipatory bail.
6. Learned counsel for the objector opposes the anticipatory bail of the applicant submitting that applicant has threatened the prosecutrix to withdraw the case and also tortured her continuously, therefore, no case is made out to release him on anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on anticipatory bail.
8. Accordingly, his anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi