

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 391 of 2021**

1. Mosin S/o Shaukin Aged About 30 Years R/o Jasar Sultan Nagar, P.S. Saspurkhurd, District Merath (U.P.)
2. Wasim S/o Shaukin Aged About 27 Years R/o Jasar Sultan Nagar, P.S. Saspurkhurd, District Merath (U.P.)
3. Parmukh S/o Iqbal Aged About 50 Years R/o Modi Nagar, Lahlee, P.S. Bhojpur, District Gajiyabad (U.P.).

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Supela, Outpost Smriti Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicants : Shri Amit Kumar, Advocate

For Respondent/ State : Ms. Astha Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/07/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 906/2020 registered at Police Station Supela outpost Smriti Nagar, District Durg C.G. for the offence punishable under Sections 195(A) and 506 of I.P.C.
2. As per the prosecution case, the applicant No. 2 namely Wasim assured the prosecutrix for marriage and thereafter committed sexual intercourse.

Subsequently he refused to marry and therefore a report was made and case was registered under Section 376(2) (क), 509 (B) and 506 of IPC and Wasim was arrested. Subsequently, Mosin (Applicant No. 1) and Parmukh (Applicant No. 3) went to the house of prosecutrix and assured that she would get married to Wasim and accordingly the prosecutrix gave her consent for grant of bail and after Wasim (applicant No. 1) was released, he refused to marry prosecutrix and stated that since he has been released on bail prosecutrix cannot force him to marry, thereby the offence has been committed.

3. Learned counsel for the applicant would submit all the allegations are false in nature and only on false allegations the case has been registered, therefore the applicants may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Considering the way the offence has been committed, it amounts to playing fraud on the Court to get the bail on earlier occasion. Therefore taking into the facts of the case, the way offence has been conspired and committed, I am not inclined to extend the benefit of Section 438 of the Cr.P.C.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti