

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 498 of 2021**

Krishna Kumar Sahu S/o Shri Sakhharam Sahu Aged About 37
Years R/o Azad Chowk, Amapara, Raipur, Tahsil And Distt.
Raipur (C.G. --- Applicant

Versus

State of Chhattisgarh through the Station House Officer,
Police Station- Kabir Nagar, Raipur, Distt. Raipur (C.G.)
--- Respondent

For the applicant	:	Mr. Abhishek Pandey, Advocate.
For the Respondent	:	Mr. Rahul Jha, Govt. Advocate.
For the objector	:	Prosecutrix in person.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.07.2021

1. Apprehending arrest in Crime No.22/2021 of Police Station Kabir Nagar, Raipur, Distt. Raipur (C.G) for the offence punishable u/ss 376 & 506 of IPC , the applicant has filed this application u/s 438 of the of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by the prosecutrix that the applicant who is working as Sub-Inspector on the pretext of marriage allured the prosecutrix that his wife is not physically well as such he wanted to marry her. Thereafter he developed physical relations and when she became pregnant, he got her pregnancy aborted. Subsequently the report has been made that on false assurance, the physical relations were developed.

3. Learned counsel for the applicant submits that there has been an agreement entered into between the applicant and prosecutrix to give her Rs.5000/- per month and further it would show that the applicant and prosecutrix were in know of each other and she was a major lady and consenting party. It is further contended that on earlier occasion, the prosecutrix has made false report at Sukma and tried to extract money and presently the prosecutrix is trying to black-mail the applicant and extract money from him. He further submits that no custodial interrogation would be required, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also the objector (prosecutrix) who is appearing in person opposes the bail and would submit that the applicant being in police department has misused his position and has cheated the prosecutrix. It is further submitted that for the last six months, the applicant is absconding, therefore, he is not entitled to be admitted to anticipatory bail.
5. Perused the statement of prosecutrix. Considering the position of the applicant as he is working in the capacity of Sub-Inspector in Police Department and the nature of allegations as have been projected, it is not a case where the benefit of section 438 of Cr.P.C., can be extended to the applicant. The application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**