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HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 14-07-2021Order delivered on 23-07-2021MCRCA No. 535 of 2021

1. Madheshwar Prasad S/o Shri Harendra Prasad, Aged About 56 Years R/o Lane No. 25, House No. 9, Ashish Nagar, Risali, Bhilai, Police Station Newai, District Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	Mr. Dharmesh Shrivastava, Advocate
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For Respondent /State	Mr. Arjit Tiwari, Panel Lawyer
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For Objector	Mr. K.P.S. Gandhi, Advocate
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(Proceedings through Video Conferencing)

CAV Order

Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ

1. The applicant has preferred this bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.326/2021, registered at Police Station Sarkanda, District Bilaspur (CG), for the offence punishable under Sections 376 & 506 of the Indian Penal Code.

2. Applicant is working as Executive Engineer in the Public Works Department (PWD) whereas the prosecutrix is the wife of a High Court employee. The prosecutrix is engaged in selling sarees. In September, 2018 the applicant called the prosecutrix to his house and purchased one saree for his maid and requested the prosecutrix to bring costly sarees. Their meeting and acquaintance increased and on 13-5-2019, the applicant offered a glass of water to the prosecutrix, after which, she fell unconscious. On regaining consciousness, the prosecutrix found that she has been ravished by the applicant. When she complained of his conduct, the applicant threatened her that he has prepared a video and the same shall be made viral. He promised her to arrange employment in his Department i.e. PWD. On this pretext, he continued to sexually exploited the prosecutrix. In course of allurements and inducement of arranging employment, the applicant took her to several places and committed sexual intercourse. He also threatened to commit murder of her three children.
3. It is argued that the applicant is a Government servant and the instant false report has been lodged to blackmail him as the husband of the prosecutrix had borrowed Rs.1.00 lac and was not repaying it. It is also argued that no offence under Section 376 of the IPC is made out.
4. Per contra, learned counsel for the State and learned counsel for the objector would oppose the bail application. They would submit that Cr.No.23/2014 has been registered against the applicant in Anti Corruption Bureau, Raipur, for offence under Sections 13(1)(e) and 13 (2) of the Prevention of Corruption Act, 1988. He has sexually exploited a helpless

lady on threat of making her nude video viral as also on allurement of arranging job. They would also submit that in the event of his release on anticipatory bail, he will influence the witnesses.

5. Considering the nature of allegations and particularly considering the fact that the applicant being a responsible officer in the PWD has misused his position by sexually exploiting the prosecutrix, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicant.
6. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri